

2007 Legislative Summary

ARIZONA STATE SENATE
Forty-eighth Legislature, First Regular Session
Timothy S. Bee, President



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Arizona Senate Research Staff
Senate Building
1700 West Washington
Phoenix, Arizona 85007
www.azleg.gov

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Arizona State Senate

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Dear Reader:

The 2007 Legislative Summary, commonly referred to as the "Spiel," was prepared by the Senate Research Staff under the direction of Timothy S. Bee, Arizona Senate President.

The Senate Research Staff is a nonpartisan staff that provides professional analysis services to the Arizona Senate. It is comprised of full-time legislative committee research analysts and support staff, as well as session-only interns from the state's universities. The Senate Research Staff has existed as a professional staff at the Arizona Senate for over 30 years.

The Summary presents an overview of all legislation approved by the Legislature during the Forty-eighth Legislature, First Regular Session (2007). Additional bill information can be obtained from bill summaries (Senate Fact Sheets), vote history, committee meeting video archives and the chaptered bill itself. This information, as well as an electronic version of the 2007 Legislative Summary, is available on the Arizona Legislature's website: www.azleg.gov.

The preparation of this document would not be possible without the assistance of other Senate staff; on behalf of the Senate Research Staff, I would like to sincerely thank all the individuals who assisted in this endeavor.

Victoria Regens
Senate Research Staff Director

Senate Research – Committee Staff

Administration:

Victoria Regens, Research Staff Director

Beth Kohler Lazare, Assistant Research Staff Director

Janice Stell, Executive Assistant

Allison Cook, Administrative Assistant

Lindsay Young, Receptionist

Research Analysts:

Leah Birk, Commerce and Economic Development Committee

Christina Estes-Werther, Judiciary Committee

Megan Gnagy, Natural Resources and Rural Affairs Committee

Dallas Gold, Transportation Committee

Tim Grubbs, Appropriations Committee

Sean Laux, Finance Committee

Beth Kohler Lazare, Health Committee

Dawn Nazary, Education K-12 & Higher Education committees

Chad Nitsch, Government Committee

Amber O' Dell, Public Safety & Human Services Committee

Brett Rufer, Financial Institutions, Insurance and Retirement Committee

Assistant Research Analysts:

Bill Boyd

Ryan DeMenna

Justin Weaver

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Appropriations Committee

Senator Robert “Bob” Burns, Chairman



Timothy Grubbs, Research Analyst

John Dennis, Intern

APPROPRIATIONS COMMITTEE

LEGISLATION ENACTED

nuclear emergency management fund; assessments (S.B. 1053) – Chapter 25

Effective April 10, 2007, appropriates the sum of \$2,807,740 in FYs 2007-2008 and 2008-2009 from the state General Fund to the Nuclear Emergency Management Fund to support the state response plan for commercial nuclear emergencies. It also assesses the same amount plus interest against each public service company and municipal entity engaged in the construction or operation of a commercial nuclear generating station.

named claimants; appropriations (S.B. 1186) – Chapter 285

Appropriates \$472,245 to the Arizona Department of Administration for payment of various claims made against the state. Exempts the FY 2006-2007 appropriation for the operating budget of the Prescott Historical Society from lapsing until the end of FY 2007-2008, effective retroactive to July 1, 2007.

prisoners; restitution payments (S.B. 1619) – Chapter 140

Removes the mandatory 30 percent deduction from a prisoner's compensation for court-ordered restitution. Requires instead the prison director to withdraw a minimum of 20 percent, or the balance owed on the restitution payment, up to a maximum of 50 percent of the money available each month in the prisoner's spendable account and the prisoner's trust fund or retention account, if applicable, for a court-ordered restitution payment.

motorcycle safety fund (H.B. 2051) – Chapter 146

Removes the \$150,000 cap on the Motorcycle Safety Fund and renames the "State Motorcycle Safety Advisory Council" as the "Arizona Motorcycle Safety Advisory Council."

~~vehicle license tax; hybrid vehicles~~ (NOW: commercial driver licenses) (H.B. 2228) – Chapter 214

Conforms Arizona's commercial driver license (CDL) and commercial motor vehicle statutes to federal regulations and rules. Changes include additional grounds for the revocation, suspension or cancellation of a CDL associated with various public safety-related violations. Additionally, CDL applicants must show proficiency in the English language to receive a class A, B or C license.

~~college courses; high school credit~~ (NOW: minimum wage; employers; liability) (H.B. 2245) – Chapter 272

Subject to the requirements for enactment for initiatives and referendums (Proposition 105), which require the affirmative vote of at least three-fourths of the members of each house of the Legislature, an emergency measure that exempts from liability, in any action or proceeding commenced on or after January 1, 2007, an employer or entity that fails to pay the minimum wage if the act or omission was in good faith and conformed with and relied on an administrative regulation, ruling, interpretation or policy issued by the Industrial Commission of Arizona.

APPROPRIATIONS COMMITTEE (Cont'd.)

~~community colleges; bonding; technical correction~~ (NOW: water district; Upper San Pedro)
(H.B. 2300) – Chapter 252

Authorizes the formation of an Upper San Pedro Water District, Board of Directors and taxing authority, which are all based on voter approval. A nine-member Organizing Board is established to develop an organizing plan, financial plan, comprehensive plan, including measurable objectives to obtain the goal within ten years, and an election plan. On request of the Organizing Board, the county board of supervisors may hold an election on the formation of an Upper San Pedro Water District (District) and the election of the members of the Board of Directors (Board). The county board of supervisors may also submit the question of the authority of the District to levy a transaction privilege tax (TPT) on water deliveries at that same election or any subsequent election. Formation of the District occurs upon approval of the majority of qualified electors voting on the question of formation.

Once formed, the District will include Fort Huachuca and the cities Sierra Vista and Tombstone, the Town of Huachuca City and the portion of the City of Bisbee located in the Upper San Pedro Groundwater Basin. The specified purpose and goal of the District is to maintain the aquifer and base flow conditions needed to sustain the Upper San Pedro River and to assist in meeting the water supply needs and water conservation requirements for Fort Huachuca and the communities within the District.

The seven-member Board, which replaces the Organizing Board 60 days after formation of the District, is authorized to perform various duties related to the achievement of the goal of the District, including acquiring property, water and energy, and entering into intergovernmental agreements and contracts as necessary. The Board must review and update the District's comprehensive plan at least every ten years and, if the voters approve the TPT, the Board must set the TPT rate, which may not exceed 50 cents per 1000 gallons of water delivered to customers in the District. The District also has the authority to generate revenues, in addition to the TPT, by the sale of water or water rights, user fees, revenue bonds and gifts and donations.

New subdivisions in the District are required to demonstrate an adequate water supply or obtain a written commitment from a water provider with an adequacy determination, with exemptions to the adequacy requirement based on plats approved prior to the formation of the District, substantial capital investment prior to the formation of the District, and water supply projects or Colorado River water rights that are not available or complete at the time, but will be within 20 years. These exemptions are determined and authorized by the Director of the Arizona Department of Water Resources.

The District must prepare an annual administrative budget and an operating budget as well as a verified statement of the financial condition of the District. The District must also obtain an annual audit of the monies of the District by a certified public accountant and submit an annual report to the Legislature with information including amount and type of water used; projects, permits and programs of the District; and finances and progress made by the District toward reaching the goal. The Auditor General must perform a special audit of the District after the first five years examining the finances and achievement of the water management goal and submit the report to the Governor and Legislature.

APPROPRIATIONS COMMITTEE (Cont'd.)

~~school districts; impact aid miscalculations~~ (NOW: school districts; budget; miscalculations; receivership) (H.B. 2305) – Chapter 234

Beginning May 25, 2007, extends the time frame to correct budget limit errors for two school districts (Tombstone Unified and Eloy Elementary) that miscalculated their budgets, from two to five years, two school districts (Cedar Unified and Indian Oasis-Baboquivari Unified) for which the Arizona Department of Education miscalculated their impact aid budgets, from two years to six years, and one school district (Saddle Mountain Unified) that overexpended its budget for three fiscal years, from two years to five years. The bill places Saddle Mountain Unified School District into immediate receivership and also extends the ability of the State Board of Education to place a school district into receivership until adjournment of the 2008 legislative session. Requires a school district to adjust its transportation revenue control limit (TRCL) to equal the amount of the transportation support level (TSL) if the TSL exceeds the TRCL in any budget year, and for every year thereafter. Creates a ten-member joint legislative study committee to review and make recommendations on the causes of school district budget miscalculations, role and responsibility of all involved parties in the issuance and registration of warrants and the extension of school district receivership statutes.

centennial; administrative costs; appropriation (H.B. 2407) – Chapter 78

Effective April 16, 2007, allows the Arizona Historical Advisory Commission (AHAC) to accept and spend appropriations to contract for administrative and clerical staff in order to develop and coordinate a statewide plan regarding the state's centennial in 2012. Transfers \$50,000, exempt from lapsing, from a previous appropriation made to the Legislative Council by Laws 2006, Chapter 350, to AHAC for hiring and planning.

archives building; purchase of property (H.B. 2465) – Chapter 44

Effective April 11, 2007, authorizes the Director of the Arizona Department of Administration to purchase property adjacent to the State Archives and History building using a previous appropriation made by Laws 2004, Chapter 194.

~~licensing eligibility; lawful presence; verification~~ (NOW: public programs; eligibility) (H.B. 2467) – Chapter 275

Requires any person who applies for a state administered public program that requires participants to be U.S. citizens or otherwise lawfully present in the U.S. to submit documentation demonstrating lawful presence to the entity that administers the public program. Stipulates that self-declaration is not sufficient by itself to demonstrate lawful presence and defines "self-declaration." Requires enforcement in a nondiscriminatory manner.

~~transportation districts~~ (NOW: school districts; overexpenditures; receivership) (H.B. 2612) – Chapter 238

Effective June 1, 2007, extends the time frame to correct budget limit overexpenditures, from two to five years, for the Union Elementary School District that overexpended its budget in FY 2004-2005 through FY 2006-2007 and places the Union Elementary into immediate receivership. Requires the Arizona Department of Education to report annually to the Governor and the Legislature on the school districts that overexpend their budgets for the prior fiscal year and the amount of each expenditure by funding source.

APPROPRIATIONS COMMITTEE (Cont'd.)

property tax; electric generation valuation (H.B. 2657) – Chapter 203

Replaces the requirement that the property tax valuation of land used in operating electric generation facilities be calculated by the county assessor with the requirement that, beginning with the 2007 valuation year, the value of the land is the cost to the current owner as of December 31 of the preceding year.

fair and legal employment act (H.B. 2779) – Chapter 279

Prohibits an employer from intentionally or knowingly employing an unauthorized alien and prescribes penalties, beginning January 1, 2008, for employers in violation. Requires the Attorney General (AG) to maintain a database of all employers who have a first violation of intentionally or knowingly employing an unauthorized alien. Classifies knowingly filing a false and frivolous complaint against an employer as a class 3 misdemeanor. Requires all employers, beginning January 1, 2008, to use the Basic Pilot Program to verify the employment eligibility of new hires. Establishes an eight-member Employer Sanctions Legislative Study Committee to examine the employer sanctions laws and regulations in Arizona and make recommendations to the Governor and the Legislature by December 31, 2008.

Classifies knowingly obtaining, manufacturing, recording, possessing or using any personal identifying information of another person, with the intent to obtain employment, as aggravated identity theft, which is a class 3 felony. The measure also reduces, from five to three, the number of identities that a person must knowingly obtain, manufacture, record, possess or use without consent, with the intent to use the identities for an unlawful purpose or to cause loss, in order for the person to commit aggravated identity theft.

Appropriates, from the state General Fund in FY 2007-2008, \$100,000 to the AG and \$2,430,000 to the Arizona Department of Administration to be distributed to the county attorneys for the purpose of enforcing immigration-related matters and the employer sanctions requirements. Appropriates \$70,000 in FY 2007-2008 to the Arizona Department of Revenue for the purpose of employer notification.

~~general appropriations; 2007-2008~~ (NOW: ~~general appropriations; 2007-2008; 2008-2009~~) (H.B. 2781) – Chapter 255

Effective July 1, 2007, makes state General Fund (GF) and other fund appropriations for FY 2007-2008 and FY 2008-2009 for the operation of state government, which includes a total of \$10.6 billion in GF spending, and approximately \$27 billion in spending from all sources. For budget details, refer to the Joint Legislative Budget Committee FY 2008 Appropriations Report.

~~supplemental appropriations; fiscal year 2006-2007~~ (NOW: ~~fiscal year 2006-2007; supplemental appropriations~~) (H.B. 2782) – Chapter 256

Effective June 25, 2007, appropriates supplemental amounts to state agencies for FY 2006-2007, including the following from the state General Fund:

Agency	Purpose	Amount
Department of Administration (ADOA)	Utility costs	\$ 1,700,000
Attorney General	Attorney General legal services	261,500
Department of Economic Security (DES)	Deficit Reduction Act backfill	19,700,000
Department of Corrections	Inmate health care costs	9,656,000

APPROPRIATIONS COMMITTEE (Cont'd.)

Makes the following appropriations from other funds:

Agency	Purpose	Fund	Amount
ADOA	Internal Revenue Service tax payment	Payroll Clearing Fund	\$1,937,000
DES	Home and community based services	Long-Term Care System Fund	8,800,000
	Home and community based services	Title XIX Expenditure Authority	3,000,000
Medical Board	Litigation expenses	Arizona Medical Board Fund	326,000
Board of Respiratory Care Examiners	Health related increases and other operating expenditures	Board of Respiratory Care Examiners Fund	30,000
Department of Revenue	Litigation expenses	Risk Management Fund	1,000,000

Extends the lapsing date of \$500,000 appropriated to the Department of Emergency and Military Affairs for Project Challenge in both FY 2005-2006 and FY 2006-2007 through June 30, 2008.

~~capital outlay; appropriations~~ (NOW: appropriations; capital outlay) (H.B. 2783) – Chapter 257

Makes appropriations and session law changes related to capital outlay for the FY 2007-2008 state budget.

Building Renewal – Appropriates the following amounts in FY 2007-2008 to the following agencies for building renewal:

Agency	Fund	Amount
Department of Administration (ADOA)	Capital Outlay Stabilization Fund	\$ 7,257,100
Department of Transportation (ADOT)	State Highway Fund	3,777,100
	State Aviation Fund	141,100
Arizona Exposition and State Fair Board	Arizona Exposition and State Fair Fund	1,631,800
Game and Fish (G&F) Department	G&F Fund	474,200
Arizona Lottery Commission	State Lottery Fund	60,000

Major Capital Projects – Appropriates the following amounts in FY 2007-2008 to the following agencies for major capital projects:

Agency	Purpose	Fund	Amount
ADOA	Prison cell locks and cell doors replacement	state General Fund (GF)	\$ 5,200,000
	Old health laboratory renovation	GF	2,207,000
	Department of Juvenile Corrections HVAC and electrical renovation	GF	885,000
	Tucson office building renovations	Risk Management Revolving Fund	1,500,000
G&F	Boat shade canopies	Watercraft Licensing Fund	195,000
	Boat registration kiosks	Watercraft Licensing Fund	240,000
	Shooting range access improvements	G&F Capital Improvement Fund	150,000
	Statewide preventative maintenance	G&F Fund	30,000
	Headquarters construction	Watercraft Licensing Fund	80,000
	Becker Lake facilities improvements	G&F Capital Improvement Fund	120,000
	Becker Lake wildlife area bridge	G&F Capital Improvement Fund	52,000
	Regional (Flagstaff) office remodel/expansion	G&F Capital Improvement Fund	1,050,000
	Seven Mile shooting range	G&F Capital Improvement Fund	48,000
	Robbins Butte levee	G&F Capital Improvement Fund	228,000
ADOT	Statewide highway construction	State Highway Fund	239,901,800

APPROPRIATIONS COMMITTEE (Cont'd.)

Agency	Purpose	Fund	Amount
ADOT	Airport planning and development	State Aviation Fund	\$ 25,306,000
	Payson MVD service center	Highway Users Revenue Fund	1,229,400
	Surprise MVD service center	Highway Users Revenue Fund	3,956,300
	De-icer buildings	State Highway Fund	1,850,000
	Oil and asphalt storage tanks	State Highway Fund	1,365,000
	Vehicle wash systems	State Highway Fund	2,021,300
	Safford vehicle maintenance shop	State Highway Fund	3,215,000
	Far southeast valley multiuse facility	Highway Users Revenue Fund	1,511,900
	Far southeast valley multiuse facility	State Highway Fund	5,190,000
	Grand Canyon Airport restroom renovations	State Aviation Fund	210,000
	Grand Canyon Airport water storage tank renovations	State Aviation Fund	635,000

G&F Department – Requires the G&F Department to conduct a feasibility study regarding the development of a shooting range in Sunflower, Arizona.

Department of Economic Security (DES) – Appropriates \$142,500 from the GF in FY 2007-2008 to DES for distribution to the Hopi Tribe for one-time funding for architectural and design of an assisted living center.

Appropriates \$1,000,000, exempt from lapsing, in each of FY 2007-2008 and FY 2008-2009 to DES for distribution to the Navajo Nation for a multipurpose center.

Lease Purchase Authorization – Allows ADOA to enter into 15-year lease purchase agreements in an amount not to exceed \$39,000,000, with the first payment occurring in FY 2008-2009, for the following projects: 1) \$32,200,000 for a new forensic unit at the Arizona State Hospital and 2) \$6,800,000 for prison water and wastewater projects.

Arizona Welcome Center – Appropriates \$1,000,000, exempt from lapsing, in each of FY 2007-2008 and FY 2008-2009 to the Office of Tourism for the Arizona Welcome Center in Yuma.

Allows the City of Yuma to receive monies appropriated in FY 2006-2007 for the Arizona Welcome Center if the property is conveyed by license to the City of Yuma.

tax relief package: 2007 (NOW: 2007 tax reduction package) (H.B. 2784) – Chapter 258

Accelerates the reduction of class 1 property assessment ratio (from 25 percent to 20 percent) from ten years to six years. Personal property purchased in 2008 and thereafter is subject to an increased accelerated depreciation schedule for property tax purposes.

For tax years 2008 through 2012, a taxpayer may elect an individual income tax subtraction for contributions to a qualified 529 college savings plan. The amount of the subtraction is \$750 for single taxpayers and \$1500 for married filing jointly.

Sales of admission to the 2009 National Basketball Association All-Star game and other related events are exempt from the transaction privilege tax.

Establishes the Military Family Relief Fund (Fund), administered by the Arizona Department of Veterans' Services, to provide financial assistance to family members of Arizona-based military personnel killed or wounded in the line of duty. Assistance to family members must be based on financial need. The 13-member Military Family Relief Advisory Committee is established to

APPROPRIATIONS COMMITTEE (Cont'd.)

determine appropriate uses of monies in the Fund. One hundred thousand dollars is appropriated in FY 2007-2008 to the Fund for administrative costs. Creates a tax credit for donations to the Fund for tax years 2008 through 2012. The amount of the credit is the lowest of: 1) the total amount of the taxpayer's contributions to the Fund; 2) \$200 for a single taxpayer; 3) \$400 for a married couple filing a joint return; or 4) the taxpayer's tax liability. The maximum allowable amount of tax credits is limited to \$1,000,000 annually.

~~budget procedures; budget reconciliation~~ (NOW: budget reconciliation; budget procedures) (H.B. 2785) – Chapter 259

Arizona Department of Administration (ADOA) – Specifies that ADOA administers all subaccounts and private accounts within the Telecommunications Fund. Increases, retroactive from June 30, 2007, the pro rata share for the Personnel Division Fund from 1.04 percent to 1.07 percent of the total payroll of an agency.

Greater Arizona Development Authority (GADA) – Expands the definition of infrastructure under the purview of GADA to include any land, building or other personal property that comprises part of a facility and clarifies that the definition of pledged revenues for the repayment of a loan agreement includes monies received by a special district or Indian tribe. The bill states that assets used by an Indian tribe to secure a loan from GADA are subject to execution by the Attorney General in the event of a default on the loan contract.

Allows GADA's board of directors to direct the State Treasurer to divest monies in the GADA Revolving Fund as needed to pay the principal and interest on bonds issued by GADA. Expands GADA's duties to include providing financial assistance to entities under its purview when those entities acquire, improve or construct infrastructure; requires voter approval of financial assistance to a county with a population of more than 200,000 persons.

Information Technology – Requires the Information Technology Authorization Committee to approve or disapprove information technology project changes and contract amendments with costs exceeding \$1,000,000. Requires GITA to execute a contract for the state web portal that takes effect contingent on review by the Joint Legislative Budget Committee (JLBC). Retroactively applies the contract to July 1, 2007.

Requires the Government Information Technology Agency (GITA) to issue a request for proposals (RFP) to contract for data encryption solutions for all state agencies that maintain more than 10,000 records that contain personal information.

Establishes the Statewide Information Security and Privacy Office (Office) within GITA. Requires the Director of GITA to appoint a Statewide Chief Information Security Officer. Requires the Office to develop, implement, maintain and ensure compliance by state budget units with a coordinated statewide assurance plan for information security and privacy. Allows the Office to temporarily suspend operation of information infrastructure to contain an information security or privacy protection incident. Appropriates \$500,000 from the state General Fund in FY 2007-2008 and in FY 2008-2009 to GITA to conduct a statewide security risk assessment.

Continues to exempt from lapsing provisions the amounts appropriated to the information technology plan special line item for the Arizona State Retirement System for FY 2004-2005 through June 30, 2008.

APPROPRIATIONS COMMITTEE (Cont'd.)

Department of Economic Security (DES) – Exempts from lapsing a FY 2006-2007 appropriation of \$350,000 from the state General Fund to DES for distribution to the Navajo Tribe for funding of senior citizen centers and appropriates to DES unexpended or unencumbered monies remaining from a FY 1998-1999 appropriation for a senior center at Chilchenbeto for distribution to the Navajo Tribe for funding of senior citizen centers.

Department of Revenue (DOR) – Requires, retroactive to July 1, 2007, DOR to submit its proposed changes to JLBC before executing any extension or modification of the current Business Reengineering/Integrated Tax System contract with a fiscal impact that increases the contractor's share of gain-sharing proceeds from state revenues during FY 2007-2008.

Elections – Requires an officer in charge of elections to provide for a live video recording of the custody of all ballots located in a counting center and to retain the recording as a public record. The live video must be linked to the Secretary of State's website for viewing by the public. Appropriates \$300,000 from the state General Fund in FY 2007-2008 in the amount of \$20,000 to each county's officer in charge of elections for video recording of election ballots.

Military – Increases the uniform allowance provided to officers in the Arizona National Guard to \$250 annually and appropriates \$250,000 from the state General Fund in FYs 2007-2008 and 2008-2009 to the Department of Emergency and Military Affairs to be transferred to the Arizona National Guard for uniform and equipment allowances.

Exempts from lapsing monies appropriated to the Military Base Economic Impact Study special line item for the Arizona Department of Commerce in FY 2006-2007.

~~general revenues; budget reconciliation~~ (NOW: budget reconciliation; general revenues) (H.B. 2786) – Chapter 260

Contains the budget reconciliation provisions for changes relating to annual financial reporting by the Arizona Department of Administration, unclaimed property procedures, unrestricted federal monies and the collection of fees and assessments by the departments of Insurance and Real Estate. Appropriates \$1,000,000 to the Department of Economic Security in FY 2007-2008 for homeless shelters and \$25,000,000 to the Arizona Twenty-First Century Competitive Initiative Fund in each of FYs 2007-2008 through 2010-2011 for economic development grants.

~~criminal justice; budget reconciliation~~ (NOW: budget reconciliation; criminal justice) (H.B. 2787) – Chapter 261

Deoxyribonucleic Acid (DNA) Testing – Requires an additional assessment of four percent to be levied on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed for a motor vehicle violation or any violation of the state's Game and Fish statutes through December 31, 2011, for deposit into the Arizona Deoxyribonucleic Acid Identification System (System) Fund (Fund). The bill reduces the additional assessment by one percent beginning January 1, 2012.

Requires an arresting authority or its designee to: 1) secure a DNA sample from any person arrested for specified crimes, including homicide, dangerous crimes against children and sexual offenses, and who is transferred by the arresting authority to a state, county or local law enforcement agency or jail, and 2) transmit the DNA samples to the Department of Public Safety (DPS).

APPROPRIATIONS COMMITTEE (Cont'd.)

Any person who is arrested for one of the specified crimes and who is subsequently released on his or her own recognizance or bail must submit a DNA sample within five days. Creates a bail violation for persons who fail to submit DNA testing.

Allows a person who is not otherwise required to submit a DNA sample and who is acquitted or for whom criminal charges have been dropped to petition the superior court in the appropriate county to have the person's DNA profile and sample expunged from the System.

Appropriates \$1,980,000 in FY 2007-2008, \$2,980,000 in FY 2008-2009, \$3,484,000 in FY 2009-2010, \$3,440,000 in FY 2010-2011 and \$3,520,000 in FY 2011-2012 from the Fund to DPS to implement, conduct and maintain DNA testing.

Attorney General – Specifies that monies from the Anti-Racketeering Revolving Fund used for capital projects in excess of \$1,000,000 are subject to review by the Joint Committee on Capital Review (JCCR). Increases, retroactive to July 1, 2007, the pro rata share for the Legal Services Cost Allocation Fund from .635 percent to .675 percent and allows the use of the Collection Enforcement Revolving Fund for operating expenses in FYs 2007-2008 and 2008-2009.

Arizona Department of Corrections (ADC) – Expands eligibility for ordinary disability retirement to Corrections Officer Retirement Plan (CORP) members and defines the amount of an ordinary disability pension. Conditions the enactment of this provision on CORP achieving a funding value ratio of 100 percent assets to liabilities, but no later than June 30, 2010.

Repeals the provisions of Laws 2006, Chapter 348, which appropriated \$11,193,000 from the state General Fund in FY 2007-2008 to the Arizona Department of Administration (ADOA) for prison bed per diem costs and requires the Director of ADC to negotiate contracts or amendments to existing contracts for the construction of 2,000 new private prison beds.

Authorizes ADOA to enter into 20-year lease-purchase agreements not exceeding \$200,000,000 to construct 4,000 new public beds with the first payment due FY 2008-2009. Allows ADOA to allocate up to \$275,000 for four full-time equivalent employees each fiscal year for oversight and management.

Requires the Director of ADC to determine the appropriate inmate populations for placement in the private prison facilities and to jointly submit a quarterly report to JCCR with the Director of ADOA on the status of the construction of the new public and private prison beds.

States that it is the intent of the Legislature to fully fund contracts entered into by ADC for private prison facilities.

Department of Public Safety (DPS) – Continues to redirect nine percent of Criminal Justice Enhancement Fund revenues, formerly deposited into the state General Fund, to DPS to fund crime lab operations in FY 2007-2008.

Requires ADOA and DPS to report jointly to the Joint Legislative Budget Committee by December 1, 2007, on the feasibility of transferring Capitol Police personnel to DPS.

APPROPRIATIONS COMMITTEE (Cont'd.)

~~environment; budget reconciliation~~ (NOW: budget reconciliation; environment) (H.B. 2788) – Chapter 262

Makes statutory and session law changes related to environment issues necessary to implement the FY 2007-2008 budget.

Community Protection Initiative (CPI) Program and Fund – Establishes the CPI Program and Fund to be managed by the State Forester for the purposes of issuing grants to communities at risk of wildfire to assist in completing community wildfire protection plans and reducing the volume of hazardous fuels from nonfederal forest lands. Appropriates \$1,000,000 to the CPI Fund from the state General Fund in FY 2007-2008.

Livestock and Crop Protection Fund – Permanently sets the Arizona Department of Agriculture administrative cap on the Livestock and Crop Protection Fund at ten percent, rather than five percent.

State Mine Inspector – Extends, from July 2007 until July 1, 2008, the appropriation of aggregate mining reclamation plan submission fees to the State Mine Inspector for the purposes of plan review and evaluation.

State Parks Board – Permits the State Parks Board to spend up to \$692,100 from its portion of the Off-Highway Vehicle Recreation Fund for operation expenses in FYs 2007-2008 and 2008-2009 and makes all State Parks Enhancement Fund monies available to the State Parks Board in FYs 2007-2008 and 2008-2009 for the operation of state parks or to acquire and develop state parks as determined by the State Parks Board with review by the Joint Committee on Capital Review.

Water Development Fund – Suspends the statutory state General Fund appropriation to the Water Development Fund for FYs 2007-2008 and 2008-2009, and specifies the amount is appropriated in the general appropriations act, which is \$250,000 in FY 2007-2008 and \$0 in FY 2008-2009.

Underground Storage Tank Assurance Account – Suspends the statutory administrative cap on the Underground Storage Tank Assurance Account for FYs 2007-2008 and 2008-2009. The Arizona Department of Environmental Quality may transfer \$6,531,000 from the Assurance Account for administrative costs of the Underground Storage Tank Leak Prevention Program and for the Used Oil Program.

Arizona Navigable Stream Adjudication Commission – Lengthens the exemption from lapsing, until June 30, 2008, for the \$50,000 appropriation to the Arizona Navigable Stream Adjudication Commission in FY 2005-2006.

Water Infrastructure Finance Authority (WIFA) – Requires WIFA to assist municipalities that are remediating discharged untreated or improperly treated wastewater into the groundwater that may impact the Colorado River and are converting from septic or other wastewater treatment systems to an approved sewer system. The assistance may include, but does not require, replacing an existing 20-year loan and obtaining a 30-year loan under the Clean Water Program.

APPROPRIATIONS COMMITTEE (Cont'd.)

~~health and welfare; budget reconciliation~~ (NOW: budget reconciliation; health and welfare)
(H.B. 2789) – Chapter 263

Makes statutory and session law changes related to health and welfare issues to implement the FY 2007-2008 budget.

Arizona Health Care Cost Containment System (AHCCCS) – Continues the KidsCare Parents program for one year. Increases the AHCCCS income eligibility level for pregnant women from 133 percent of federal poverty guidelines to 150 percent; appropriates \$1,800,000 from the state General Fund and \$3,536,500 in federal expenditure authority in FY 2007-2008 for the costs of the increased eligibility.

Removes the specific statutory prohibition on the AHCCCS Administration contracting with a school district for KidsCare related functions and allows the AHCCCS Administration and its contractors to collaborate with specified entities for outreach and information activities. Requires permission of the school principal and school district before a school district performs outreach.

Allows, effective March 1, 2008, the AHCCCS Director to require health insurers and other entities to provide enrollment information to determine whether an individual eligible for AHCCCS was enrolled in private insurance, accept the AHCCCS Administration's right to recover monies paid for enrollees and follow procedures for facilitating that recovery.

Requires, retroactive to July 1, 2007, but beginning with dates of service on or after October 1, 2007, the AHCCCS Administration to phase-in over three years the use of the most recent statewide urban and rural average Medicare cost-to-charge ratios to reimburse outlier costs. Prohibits outlier reimbursement for maternity costs.

Makes permanent the requirement that AHCCCS redetermine eligibility every six months for adults age 21 and older who are being redetermined eligible for Temporary Assistance for Needy Families (TANF) cash benefits. Requires AHCCCS to report to the Joint Legislative Budget Committee (JLBC) on nonemergency transportation.

Sets the county contributions for the Arizona Long-term Care System by county. Decreases Maricopa County's FY 2007-2008 acute care contribution by \$8,124,300 below FY 2006-2007. Continues county contributions for various programs at FY 2006-2007 levels. Excludes county contributions for Proposition 204 administrative costs and hospitalization and medical care from county expenditure limits.

Healthcare Group (HCG) – Prohibits, retroactive to July 1, 2007, and until the law's effective date, HCG from enrolling more than 9,800 eligible employer groups. Prohibits HCG from enrolling any additional employer groups after the effective date of the law. Requires the Director of the Department of Insurance (DOI) to conduct a statutory financial examination of HCG as if HCG were a health care insurer. Establishes the HCG Study Committee (Study Committee) to examine the feasibility of continuing HCG or establishing a high risk pool, or both, and make a recommendation on those options. Sets the default HCG hospital reimbursement rate, when a contract does not exist between an HCG contractor and a provider, at 114 percent of AHCCCS reimbursement rates. Repeals the HCG employer group enrollment limit, financial examination, Study Committee and the use of AHCCCS rates on August 1, 2008.

APPROPRIATIONS COMMITTEE (Cont'd.)

Disproportionate Share Hospital (DSH) Payments – Restructures the payment mechanism for DSH payments by requiring the Maricopa Special Health Care District (District) and the Arizona State Hospital (State Hospital) to provide a certified public expense (CPE) form for qualifying DSH expenditures. The AHCCCS Administration shall file a claim with the federal government and receive federal matching funds based on the District's and State Hospital's CPE amounts. After receiving the federal matching funds, the AHCCCS Administration will distribute \$4,202,300 to the District and deposit the remaining federal funds into the state General Fund. Prescribes procedures for when the CPE amount is less than estimated.

Stipulates that the FY 2007-2008 DSH payments result in the same net state General Fund benefit as in FY 2006-2007. The private hospital distribution is unchanged from FY 2006-2007.

Graduate Medical Education (GME) programs – Establishes, retroactive to July 1, 2007, priorities for GME funding appropriated in the FY 2007-2008 General Appropriation Act and adjusts and limits funding for programs that received distributions in prior years. Allows the AHCCCS Administration to reallocate monies among FY 2006-2007 and FY 2007-2008 program priorities if funding for those programs is insufficient to cover appropriate GME costs. Allows local, county and tribal government to provide funding to draw down additional federal matching monies for programs or positions in certain circumstances.

Department Of Health Services (DHS) – Requires a regional behavioral health authority (RBHA) to perform only managed care functions and prohibits a RBHA from providing direct services, except as otherwise specified. Limits reimbursement for services provided directly by a RBHA to 30 percent above the AHCCCS fee-for-service rate for the same service. Requires monies appropriated for seriously mentally ill services to be spent for those services only.

Continues to require Maricopa and Pima counties and all cities to pay 86 percent of restoration to competency costs; continues to exempt all other counties from paying for restoration to competency costs. Stipulates that immunization against the human papillomavirus is not required for school attendance. Appropriates, retroactive to July 1, 2007, the FY 2005-2006 balance in the Vital Records Electronic Systems Fund to DHS in FY 2007-2008.

State Employee Health Insurance – Requires the Arizona Department of Administration (ADOA) to design programs for state employees to use a health savings account paired with a high deductible health plan (HDHP), and a health reimbursement account paired with an HDHP. Requires, by December 1, 2007, ADOA to submit the program designs, containing specified information, for JLBC review.

Requires ADOA to report to JLBC benefit changes and any associated costs at least 45 days before the change. Continues to prohibit ADOA from implementing a differentiated health insurance premium based on the integrated or nonintegrated status of a state employee health insurance provider.

Small Business Health Insurance – Expands, retroactive to September 21, 2006, the businesses that are able to purchase "mandate-lite" plans to include all employers with 2 to 50 employees. Stipulates that the six-month uninsured requirement for businesses applies to the six-month period immediately prior to the mandate-lite coverage and does not apply upon renewal of coverage.

APPROPRIATIONS COMMITTEE (Cont'd.)

Requires, retroactive to September 21, 2006, applications for the existing small business health insurance premium tax credit to contain a written declaration that the application is made under penalties of perjury. Extends the time period in which the initial certificate of eligibility is valid from 30 to 90 days. Requires the individual or small business to obtain rather than apply for health insurance in order for the certificate of eligibility to remain valid for one year.

Department of Economic Security (DES) – Requires DES to establish a Lifespan Respite Care Program (Program) to perform specified functions, including coordination of respite care services. Appropriates \$500,000 and one FTE position from the state General Fund in FY 2007-2008 to DES for the purposes of the Program.

Continues to allow DES to reduce income eligibility levels for child care assistance and requires DES to notify JLBC of any changes within 15 days of implementation of the change.

Moves, retroactive to July 1, 2007, DHS autism services to DES. Expands the types of children that may receive the funding.

Stem Cell Bank – Appropriates \$1,000,000 from the state General Fund annually from FY 2007-2008 through FY 2011-2012 to the Biomedical Research Commission for a public adult stem cell bank.

~~***K-12 education; budget reconciliation***~~ (NOW: budget reconciliation; K-12 education) (H.B. 2790) – Chapter 264

Makes statutory and session law changes necessary to implement the FY 2007-2008 state budget, including:

K-12 Funding for FY 2007-2008 – Increases by 4.2 percent the amount of additional assistance for charter schools and increases the base level for all public schools by approximately 3 percent, which includes \$46,000,000 appropriated to fund salary and benefit increases to nonadministrative personnel employed by school districts, charter schools and the Arizona Schools for the Deaf and the Blind. Increases the state Transportation Support Level by 2 percent per mile. Continues to require the Arizona Department of Education (ADE) to reduce the amount of rapid decline funding a school district would otherwise receive by 50 percent.

Makes permanent the authority for a school district or charter school governing body to approve a school year of either 180 days or the equivalent number of minutes of instruction based on a different number of days.

Extends the “soft cap” on school districts’ budgeting for desegregation activities for FY 2007-2008.

Authorizes the ADE or the Auditor General to conduct average daily membership audits of public schools in FY 2006-2007.

Joint Technological Education District (JTED) – Funds state aid for JTEDs in FY 2007-2008 at 91.8 percent of the amount that otherwise would be provided by law and reduces JTED budget limits accordingly. Continues state aid funding for a JTED at the FY 2006-2007 amount if its FY 2007-2008 funding is less than the FY 2006-2007 funding level.

APPROPRIATIONS COMMITTEE (Cont'd.)

Math or Science Achievement Grant Program (Grant Program) – Creates the Grant Program to be administered by the State Board of Education (SBE) to promote improved pupil achievement through funding of innovative mathematics and science programs. The SBE will award grants to school districts and charter schools to conduct programs in-house or through a contract with a service provider to increase pupil skills, with funding priority given to schools that have low mathematics and science test scores. Allows the SBE to retain five percent of the appropriated Grant Program monies for administrative costs. Terminates the Program on July 1, 2017.

Identity Verified Fingerprints – Institutes a new identity verified fingerprint card process beginning on January 1, 2008, for applicants seeking new or renewal teaching certificates, individuals in teaching positions at a charter school or noncertificated personnel employed at public schools. Requires the applicants to request an application packet directly from the Department of Public Safety (DPS) containing a blank fingerprint card that will be returned directly to the DPS from a law enforcement agency, school district, charter school or contracted entity, after verification of the applicant's identity through a recognized means of photographic identification. Appropriates \$125,000 to the DPS from the state General Fund in FY 2007-2008 to develop and implement the identity verified fingerprint clearance card process and digital storage and retrieval of fingerprints for fingerprint card applicants. Individuals who have submitted fingerprints after January 1, 2008, will not be required to resubmit fingerprints unless the original fingerprints are lost, damaged or of insufficient quality to perform a valid technical search.

American Competitiveness Project Fund (Fund) – Creates the Competitiveness Fund and directs the ADE to administer the Fund through solicitations and acceptance of donations, grants, gifts and contributions to provide technical assistance and to award grants to schools that offer academic programs that emphasize foreign language acquisition, international business and world history.

Arizona Government Education Fund (AGEF) – Appropriates \$100,000 from the state General Fund in FY 2007-2008 to the ADE for the AGEF to be used by the ADE to contract with a third party to provide annual, week-long high school civics courses with a focus on state government to be held at public and private postsecondary institutions in this state. Requires the civics courses to be sponsored by a federally chartered national veterans' organization that has at least 50 years of experience in providing civics education.

Instructional Technology Systems Pilot Program (Program) – Appropriates \$1,000,000 from the state General Fund in FY 2007-2008 to the ADE to create the Program, in collaboration with the SBE. The K-8 school or school with any combination of K-8 grades, selected by the ADE and the SBE, is required to use monies to: 1) upgrade classroom technology systems; 2) ensure access to one networked computer with broadband Internet access for each pupil; and 3) provide technology training to teachers. Requires the ADE, beginning on January 1, 2008, to submit an annual update to the Governor, Legislature and Joint Legislative Budget Committee (JLBC) summarizing the Program's impact on the school's budget delineated by capital, administrative and classroom spending, maintenance and operations and capital expenditures, and impact on accountability measures and pupil academic gain. Terminates the Program on July 1, 2010.

Joint Legislative Study Committee on K-12 School Funding and Best Practices (Committee) – Creates the ten-member Committee, of which five members each are appointed by the President of the Senate and the Speaker of the House of Representatives. Directs the Committee to review and make recommendations on the following: 1) school district and charter school maintenance and operations and capital funding, including formula based funding impacting local

APPROPRIATIONS COMMITTEE (Cont'd.)

and state funds and 2) best practices in school programs and school finance. Requires the Committee to submit an initial report on or before December 1, 2007, and the final report on or before December 1, 2008, to the Governor and the Legislature.

Certification Exam Fees – Removes the minimum and maximum fee caps for the United States and Arizona constitutions and proficiency examinations required for teacher certification and sets the fees for each examination at an amount not to exceed the fee assessed by the test publisher.

Employee Discipline and Risk Management Staff Development – Appropriates \$400,000 from the state General Fund in FY 2007-2008 to the ADE to purchase qualified outsourced materials for staff development for education administrators and managers in the area of employee discipline and risk management.

E-learning Pilot Program – Adds to the E-Learning Task Force: 1) two persons who represent higher education and who are experts in education technology and 21st century learning, one each appointed by the President of the Senate and the Speaker of the House of Representatives and 2) one person who has a background in online or digital format formative assessment, who is appointed by the Governor. Extends by one year the deadlines for the E-learning Task Force.

Reading First Grants - Appropriates \$1,000,000 from the state General Fund to the ADE in FY 2007-2008 to expand the federal Reading First initiative of No Child Left Behind through grants to schools that do not currently participate in Reading First and do not receive Title I federal monies.

~~higher education; budget reconciliation~~ (NOW: budget reconciliation; higher education) (H.B. 2791) – Chapter 265

Makes statutory and session law changes necessary to implement the FY 2007-2008 state budget, including:

University Capital Projects – Allows indirect or third party financing for capital projects that may become state assets, subject to a review by the Joint Committee on Capital Review (JCCR). Requires the Arizona Board of Regents (ABOR) to report to the JCCR the scope, purpose and estimated costs of commercial projects developed on university land in which the majority of business conducted is anticipated to be from a nonuniversity population. Retroactive to July 1, 2007, permits the ABOR to establish new university campuses that did not exist as of July 1, 2007, subject to a JCCR review. Continues the ABOR reporting requirement on the Arizona State University Downtown Phoenix Campus.

Math, Science and Special Education Teacher Student Loan Program (Program) – Beginning in the spring semester of 2008, allows the ABOR to grant up to five-year loans for the cost of resident tuition, instructional materials and fees, on a first-come, first-serve basis, to eligible in-state students pursuing a teaching degree in mathematics, science and special education at a public university in the state. The eligible student must agree to service commitment, beginning one calendar year after attaining a bachelor's degree at an accredited in-state university, requiring full-time teaching service for one year for each year of the loan plus one additional year. Requires the repayment of the loan with up to seven percent interest if the loan recipient fails to complete course of study or service commitment, unless the ABOR determines justifiable good cause to defer repayment or the service commitment. Terminates the Program on July 1, 2017.

APPROPRIATIONS COMMITTEE (Cont'd.)

Tribal Community Colleges Tax Transfer – Repeals Laws 2002, Chapter 330, that limited the distribution of up to \$1.75 million per tribe of transaction privilege tax revenues earned on individual tribal lands only to the Navajo Nation for the benefit of Diné College and expands the recipients to also include the Tohono O'odham Nation. Allows for a ten-year renewal for an existing compact between a qualifying Indian tribe and the state.

Miscellaneous – Provides a tuition waiver scholarship at a public university or community college to a child or spouse of a resident member of the United States armed forces, stationed in Arizona, who was killed in the line of duty or who died from injuries while in the line of duty. Requires public universities to publicly post all employment openings, including title and description, application instructions and contact information. Increases the annual cap on Private Postsecondary Education Student Financial Assistance Program awards from \$1,500 to \$2,000 annually, and the two-year cap from \$3,000 to \$4,000.

~~school facilities board; budget reconciliation~~ (NOW: budget reconciliation; school facilities board) (H.B. 2792) – Chapter 266

Makes statutory and session law changes necessary to implement the FY 2007-2008 state budget, including:

New School Facilities – Adds the following requirements to the existing New School Facilities annual report submitted to the Joint Committee on Capital Review: 1) detailed demographic assumptions; 2) proposed construction schedules; and 3) construction cost estimates for projects in the current and subsequent fiscal year. Modifies the deadline date for the New School Facilities annual report from October 15 to June 15 of each year.

Building Renewal – Retroactive to July 1, 2007, requires a school district to use building renewal monies for primary projects, unless only secondary projects exist or secondary projects are necessary to comply with building, health, fire or safety codes, upon approval of the School Facilities Board (SFB).

Task Force on K-12 School Facilities (Task Force) – Establishes the 20-member Task Force, consisting of 7 members each appointed by the Speaker of the House of Representatives and the President of the Senate, 5 members appointed by the Governor and the Executive Director of the SFB. The Task Force is responsible for reviewing and making recommendations on: 1) possible funding sources for construction and maintenance of school facilities; 2) building renewal and new construction formula changes; 3) minimum school facility adequacy guidelines; 4) capital costs of reducing K-3 grade class sizes; 5) capital costs of counting kindergarten pupils as one average daily membership for new school construction; and 6) capital costs of implementing energy efficiency best practices. Requires the Task Force to initially report by December 1, 2007, and provide a final report by December 1, 2008.

Arizona Energy and Water Savings Pilot Program (Program) – Appropriates \$2,500,000 from the state General Fund in FY 2007-2008 to the SFB to administer the Program that provides development and implementation grants to school districts to manage energy and water savings projects in-house or through contracted services. Requires the Arizona Department of Commerce Energy Office (Energy Office) to provide technical assistance to the Program. The Program is permitted up to \$250,000 for administrative costs, of which \$150,000 is allocated to the SFB and \$100,000 is allocated to the Energy Office. Creates the interest-bearing Arizona Energy and Water Savings Grant Fund. Requires the SFB to report to the Governor, Legislature and Joint Legislative

APPROPRIATIONS COMMITTEE (Cont'd.)

Budget Committee by October 1, 2008, and October 1, 2009, on the number of grants provided and the amount of energy, water and other cost savings and benefits associated with the Program. Repeals the Program on January 1, 2010.

~~transportation; budget reconciliation~~ (NOW: budget reconciliation; transportation) (H.B. 2793) – Chapter 267

Makes statutory and session law changes related to transportation issues to implement the FY 2007-2008 budget.

State Highway Fund – Extends the allowable repayment period for State Highway Fund bonds from 20 to 30 years. Extends the lapsing date until June 30, 2008, for the \$500,000 appropriation from the State Highway Fund in FY 2006-2007 for the Arizona Department of Transportation's (ADOT) Motor Vehicle Division computer system assessment, retroactive to June 30, 2007.

Statewide Transportation Acceleration Needs (STAN) Account – Establishes the Transportation Acceleration Interest Reimbursement (TAIR) account and the Roads of Regional Significance Congestion Mitigation (RRSCM) account within the STAN account, which are exempt from the STAN disbursement formula requirement, and that are initially funded with an appropriation of \$10,000,000 each in FY 2007-2008 from the STAN account. The State Transportation Board (STB) may reimburse interest costs for transportation project acceleration from TAIR account monies if specified conditions are met. Additionally, authorizes the STB to consider interest cost reimbursements from STAN monies along with other eligible acceleration projects.

Requires any expenditure from the RRSCM account to fall under the account's outlined requirements and be used for the construction, design or planning of roads and bridges that are contained, but not funded, in the transportation plan of a city, town or county and the average growth rate of the city, town or county exceeds the respective average city, town or county growth rate in Arizona by at least 50 percent in the last five years. The RRSCM account terminates on July 1, 2012.

Highway Extension and Expansion Loan Program (HELP) – Authorizes ADOT to use up to \$10,000,000 from HELP for eligible transit capital projects in municipalities with a population of 50,000 persons or less.

Safety Enforcement and Transportation Infrastructure Fund (SETIF) – Effective July 1, 2007, restores the ability of the Arizona Department of Public Safety and ADOT to use SETIF monies to enforce vehicle safety requirements and maintain transportation facilities within 25 miles of the Arizona-Mexico border, which were prohibited by Laws 2006, Chapter 205. Additionally, \$2,000,000 is appropriated from SETIF to ADOT for design, planning and construction of a safety inspection station at the San Luis II port of entry; and \$600,000 is appropriated to ADOT to enter into agreements and fund the Arizona-Mexico Commission, the Department of Homeland Security and the Arizona International Development Authority to improve traffic safety, border security and infrastructure planning. Repeals the Joint Legislative Review Committee on Transportation Between Sonora, Mexico and Arizona.

Railroad Right-of-Way – Repeals a \$650,000 appropriation designated for railroad right-of-way acquisition adopted in Laws 2002, Chapter 328, and reappropriates the remaining unexpended monies to ADOT for costs related to the study, planning and acquisition of railroad right-of-way and infrastructure necessary to accommodate future freight and passenger rail service.

Commerce & Economic Development Committee

Senator Barbara Leff, Chairman



Leah Birk, Research Analyst

Nina Maric, Intern

COMMERCE & ECONOMIC DEVELOPMENT COMMITTEE

LEGISLATION ENACTED

unauthorized use; soldier's name; picture (S.B. 1014) – Chapter 227

Beginning May 24, 2007, establishes a statutory right of publicity for soldiers. Makes a person civilly liable for using the name, portrait or picture of *any* soldier, without prior consent, for specified commercial purposes and classifies as a class 1 misdemeanor knowingly using the name, portrait or picture of a *deceased* soldier, without consent, for specified commercial purposes, with certain exceptions. Enumerates the persons, other than the soldier, who may provide consent and enforce the soldier's rights and remedies after the soldier's death.

~~private investigator licensing; exemption~~ (NOW: exemption; private investigators) (S.B. 1047) – Chapter 96

Modifies the current exemptions from the private investigator statutes to require a person, firm or corporation that engages in investigative research that constitutes an investigative consumer report to comply with all provisions pertaining to private investigators.

workers' compensation; infectious disease; exposure (S.B. 1127) – Chapter 230

Requires a claim by a firefighter, law enforcement officer, corrections officer, probation officer, emergency medical technician or paramedic, who is not employed by a health care institution, for a condition, infection, disease or disability involving or related to methicillin-resistant staphylococcus aureus, spinal meningitis (meningitis) or tuberculosis (TB) to include the occurrence of a significant exposure and to be processed as a workers' compensation claim, unless the employee satisfies specific criteria for a prima facie claim. The employer may produce evidence to dispute the underlying facts of a prima facie claim, to contest whether the exposure was significant or to establish an alternative significant exposure. Stipulates that expenses for postexposure evaluation and follow-up, including reasonably required prophylactic treatment, for meningitis or TB are a medical benefit for a significant exposure; providing postexposure evaluation and follow-up does not constitute acceptance of a workers' compensation claim.

self-service storage agent license (S.B. 1155) – Chapter 50

Permits the Director of the Department of Insurance (Director) to issue a self-service storage agent license to an operator of a storage facility, allowing the operator to sell insurance in connection with and incidental to the rental of space at the facility. The insurance must provide coverage to facility occupants for the loss of or damage to stored personal property. Establishes requirements and prohibitions relating to the sale or offering of insurance by a self-service storage agent and permits the Director to take certain actions against any person who violates these provisions.

~~landlord tenant act amendments~~ (NOW: amendments; landlord tenant act) (S.B. 1255) – Chapter 231

Permits a landlord to request and the tenant to provide the name and contact information of a person who is authorized to retrieve the tenant's property from the tenant's unit if the tenant dies. The measure establishes the guidelines for the retrieval of property and the disposal of property not

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retrieved. Permits a landlord to use all refundable deposits in accordance with any applicable provisions of the property management agreement during the term of tenancy. Requires a tenant to notify the landlord of any situation requiring maintenance or repair and stipulates that this notice allows the landlord to enter the premises, in accordance with specified guidelines, to provide the maintenance.

administrative procedures; exemption (S.B. 1256) – Chapter 55

Exempts the State Compensation Fund from the Arizona Administrative Procedures Act.

state board of appraisal (S.B. 1291) – Chapter 291

Effective July 2, 2007, makes numerous changes pertaining to the State Board of Appraisal (Board), appraisers and property tax agents. The major provisions include:

Board Membership – Permits a person to serve as a member of the Board for more than two consecutive terms under specified circumstances.

Appraiser Licensure and Certification – Exempts from the licensure and certification requirements a person who produces a statement concerning the estimated value of real property through any means of comparative market analysis and discloses that the estimate is not an appraisal. Modifies the experience requirements for original licensure and certification and the continuing education requirements. Prohibits the Board from accepting a renewal application more than 90 days after the expiration of the certificate or license, except that a member of the United States armed forces who is deployed on active duty may apply for renewal up to 180 days after returning home.

Inactive Appraiser Status – Permits a license or certificate holder to request inactive status, during which time the person is not required to fulfill the continuing education requirements. The license or certificate holder must complete the required continuing education and apply for reactivation before resuming appraisal activity. The requirements differ for a member of the armed forces who is deployed on active duty.

Confidential Records – Designates as confidential specified documents pertaining to appraisers and property tax agents, including those associated with a complaint until the complaint is resolved.

~~workers' compensation; medical; prompt payment~~ (NOW: timely medical payments; workers' compensation) (S.B. 1292) – Chapter 217

Requires a workers' compensation carrier (carrier), self-insured employer (employer) or claims processing representative (representative) to determine whether to pay a medical bill on an accepted claim and how much to pay within 30 days after accepting the claim or receiving the billing, whichever occurs later, and requires all denials to be based on reasonable justification. Requires a carrier, employer or representative that does not pay the approved portion of the billing within 30 days after the determination for payment is made to pay interest at the legal rate. A carrier, employer or representative is not required to pay a billing for medical, surgical or hospital benefits that it receives more than 24 months after medical service was rendered or after the health care provider (provider) knew or should have known that service was rendered on an industrial claim, whichever occurs later. This measure does not apply to a provider that enters into an express written contract with the carrier, employer or representative if the contract specifies the time frame within

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which approved bills must be paid and includes contractual remedies for untimely payment; if the contract does not include remedies for untimely payment, payments must be paid according to the contract but the statutory interest penalty applies to late payments. The measure also specifies the information that must be included in a billing.

child care; licensure (NOW: terminology; oriental; asian) (S.B. 1295) – Chapter 102

Replaces the term “Oriental” with “Asian” in each of the statutes in which it appears, except where the term appears as part of the name of a national organization. Intends that agencies, boards, commissions, departments, officers and other administrative units of the state make similar changes to their respective administrative rules.

antifreeze; aversive or bittering agent (S.B. 1323) – Chapter 162

Requires engine coolant (coolant) or antifreeze sold beginning January 1, 2008, that is manufactured beginning September 1, 2007, and that contains more than ten percent ethylene glycol, to include denatonium benzoate (DB) as an aversive or bittering agent and classifies a violation as a class 3 misdemeanor. Specifies application and exceptions. Manufacturers, packagers, distributors, recyclers and sellers of coolant or antifreeze are not liable for damages that result from the inclusion of DB in the specified amounts. Prohibits a political subdivision from establishing or continuing any other requirement relating to the inclusion of an aversive or bittering agent in coolant or antifreeze for retail containers of less than 55 gallons.

department of real estate (S.B. 1349) – Chapter 165

Retroactive to July 1, 2007, makes numerous changes to the Arizona Department of Real Estate (ADRE) statutes concerning licensure, including: 1) changes the duration of a renewal license from two years to four years and modifies the fee range accordingly; 2) requires an entity's broker's license to run concurrently with the corporation's, limited liability company's (LLC) or partnership's designated broker's license; 3) modifies prelicensure and continuing education requirements, including the number of hours required for specified courses and the time frame within which certain requirements must be met; and 4) prohibits a professional corporation or professional LLC from being licensed as an employing broker. Additionally, the measure requires a licensed corporation, LLC or partnership to report its dissolution to ADRE within ten days.

Expands the ability of the ADRE Commissioner to assess civil penalties against licensees for violations. Permits the Commissioner, with respect to a school, to suspend or revoke a license, deny issuance or renewal of a license, issue a letter of concern or issue a provisional license for failure to exercise reasonable supervision over the activities for which a license is required.

municipal development fees; procedures (S.B. 1423) – Chapter 136

Makes several changes pertaining to municipal development fees. Permits a municipality to modify, as opposed to only increase, a development fee and to automatically adjust a development fee annually according to an applicable nationally recognizable index. The measure outlines the information that a written report regarding a new or modified fee must contain and modifies the time frame for holding a public hearing on a new or modified fee, for adopting the fee and for the effective date of the fee. Additionally, it requires: 1) the governing body of a municipality to adopt or amend an infrastructure improvements plan (plan) that estimates future necessary public services and associated costs that result from a new development before assessing a new or modified

COMMERCE & ECONOMIC DEVELOPMENT COMMITTEE (Cont'd.)

development fee; 2) a municipality to provide a credit toward the payment of a fee for necessary public services that are included in the plan, and for which a fee is assessed, to the extent that the services are provided by the developer; 3) an action to collect a development fee to commence within two years after the obligation to pay accrues; and 4) the monies that a municipality collects from a development fee to be used to provide the same category of necessary public service for which the fee was assessed.

~~contractors; license renewal; qualifying party~~ (NOW: amusement rides; safety) (S.B. 1483) – Chapter 232

Requires an amusement ride owner or operator to: 1) have amusement rides inspected annually; 2) procure insurance against liability for injury to persons; 3) maintain at all times the permit for operation that is issued by the municipality or county in which the ride is operated; and 4) maintain, for at least two years, accurate records of any governmental action relating to the ride and of serious injuries actually caused by the ride. Municipalities and counties that elect to administer and enforce these requirements must collect reasonable fees and review specified information before issuing a permit. Knowing disclosure of any record or other information without consent of the owner or a court order, unless otherwise required by law, is a class 3 misdemeanor.

condominium recovery fund (S.B. 1546) – Chapter 221

Requires the Commissioner of the Arizona Department of Real Estate (ADRE) to establish and maintain the Condominium Recovery Fund (Fund) to pay a buyer for losses that arise from a subdivider's failure to complete a condominium project under specified circumstances. Each applicant for a public report for a condominium must pay into the Fund an amount established by the Commissioner if, on June 30 of the previous fiscal year, the Fund balance is less than \$5 million.

Requires an action against a subdivider to be commenced or prosecuted within three years after the cause of action accrues and the aggrieved buyer to apply to the ADRE for payment within two years after the termination of all proceedings that result in a judgment against the subdivider. Prescribes the serving process and notice of a claim on a subdivider and permits a subdivider to contest a claim. Except under certain circumstances, the Commissioner must make a final written decision within 90 calendar days. An applicant whose application is denied may apply to the court, within six months, for an order directing payment.

Prohibits an award from the Fund from exceeding 20 percent of the base price for each unit and \$1 million for each condominium project, regardless of the number of aggrieved buyers or units involved, and permits the Commissioner to petition the court to initiate a proration proceeding, if necessary. Requires the automatic termination of a subdivider's public report for a condominium on the issuance of an order authorizing payment, pending repayment plus interest. The applicant, before receiving payment, must assign all the rights, title and interest in the judgment to the Commissioner.

Specifies that an aggrieved person who does not comply with any provision of this measure is waived of any rights under the measure and permits the Commissioner to act on behalf of the Fund.

~~trustee sales; notice~~ (NOW: job training; extension; prohibitions) (S.B. 1571) – Chapter 293

Delays, until January 1, 2012, the repeal of the Arizona Job Training Program (Program) and modifies the membership of the Governor's Council on Workforce Policy. Prohibits the Arizona

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Department of Commerce (ADOC) from approving grant monies from the Arizona Job Training Fund for specified purposes and allows the monies that are allotted for small businesses and businesses in rural areas to accrue. The measure also requires the ADOC to revise the Program rules to streamline the application process.

contractors; violations; sales tax (S.B. 1592) – Chapter 174

Requires the court to order a person who is convicted of acting as a contractor without a license, a wrongful or fraudulent act that results in the substantial injury of another person or assisting a person to evade the contractor regulations and requirements, and who is sentenced to probation, to pay, as conditions of probation, all transaction privilege tax or use tax amounts that arise from the acts or omissions constituting the violation and that are due. Permits the Department of Revenue to release confidential tax information to the prosecutor for the purpose of sentencing the convicted person.

centennial; UPS (S.C.R. 1023)

Expresses the Legislature's desire to commemorate and honor the United Parcel Service of America on the occasion of its 100th anniversary and to recognize its economic and philanthropic contributions to the citizens of Arizona.

~~school accountability; small schools; definition~~ (NOW: residential mortgage fraud) (H.B. 2040) – Chapter 243

Establishes the crime of residential mortgage fraud as a class 4 felony, except that engaging or participating in a pattern of residential mortgage fraud is a class 2 felony.

~~state buildings; technical correction~~ (NOW: corporate dissolution; cancellation; reinstatement) (H.B. 2050) – Chapter 110

Extends, from three to six years, the time period during which a foreign corporation or a foreign nonprofit corporation whose grant of authority to transact business is revoked and a nonprofit corporation or limited liability company that is administratively dissolved may apply to the Arizona Corporation Commission for reinstatement.

public service corporation; surety; fund (H.B. 2085) – Chapter 3

Establishes the Utility Surety Fund (Fund) within the Arizona Corporation Commission (ACC) for the benefit of customers of a public service corporation who incur a loss of services or commodities or for deposit support. The measure requires the ACC, if it finds that a public service corporation is in default of the terms and conditions of an ACC order that requires a performance bond, irrevocable letter of credit or other surety and the ACC exercises its rights under the bond, letter of credit or surety, to deposit all monies collected into the Fund.

real estate education (H.B. 2110) – Chapter 9

Permits the Commissioner of the Arizona Department of Real Estate (ADRE) to develop, sponsor or hold educational seminars and workshops for the benefit of licensees and prohibits the ADRE from creating, endorsing or sponsoring any other activity that a licensee may legally perform in a way that constitutes competition with the private sector, with some exceptions. Makes multiple

COMMERCE & ECONOMIC DEVELOPMENT COMMITTEE (Cont'd.)

changes relating to real estate schools, course approval and offerings, and instructor approval, including prescribing time frames for course approval and automatically granting provisional course approval under certain circumstances. Specifies that a school is responsible for the professional administration and teaching of courses offered and that the ADRE maintains its ability to withdraw or deny certification or approval of schools, courses or instructors.

corporation and LLC omnibus (H.B. 2111) – Chapter 4

Permits the electronic submission of documents to the Arizona Corporation Commission (ACC) for filing and establishes that various fees that the ACC collects are nonrefundable. Specifies when the time frame begins for the publishing of specified documents and the filing of an affidavit evidencing the publication.

Permits a person to apply to the ACC for a Certificate of Good Standing for a limited liability company (LLC). Requires the articles of merger or consolidation of an LLC to include any amendments to the articles of organization of the surviving LLC and requires the publication of amended articles of merger. Modifies when the separate existence of a dissolved LLC terminates and makes changes to the activities in which an LLC may engage after its dissolution.

worker's compensation; lump sum payment (H.B. 2185) – Chapter 12

Retroactive to July 1, 2007, increases, from \$50,000 to \$150,000, the maximum lump sum payment that may be awarded to an injured employee for commutation of workers' compensation for an unscheduled injury that results in permanent partial or total disability, with the consent of the liable carrier.

workers' compensation; third person liability (H.B. 2194) – Chapter 116

Requires an employee, who is entitled to workers' compensation and who is injured or killed by the negligence or wrongdoing of another person not in the same employ, or the employee's dependents in the case of the employee's death, to notify the insurance carrier or the self-insured employer, in writing, of the intention to bring an action against the other person and of all pleadings and rulings concerning the status of the action. The insurance carrier or the self-insured employer may intervene at any time to protect the insurance carrier's or the self-insured employer's interests.

Permits the insurance carrier or self-insured employer to institute an action against the other person if the employee or the employee's dependents fail to fully prosecute the claim and the action is dismissed, in addition to if the employee or the employee's dependents do not institute an action within one year after the cause of action accrues as already permitted by statute. The measure also permits the insurance carrier or self-insured employer to file an action prior to one year after the cause of action accrues if the statute of limitations is one year.

Grants the Industrial Commission of Arizona the same rights as an insurance carrier or self-insured employer for the purposes of recovering compensation and benefits from the other person.

workers' compensation; death benefits (H.B. 2195) – Chapter 271

Increases, to \$3,000 for employees injured in 2008 and \$3,600 for employees injured in 2009, the cap on the average monthly wage that may be used to calculate workers' compensation benefits and requires the Industrial Commission of Arizona, beginning August 1, 2009, to adjust the cap

COMMERCE & ECONOMIC DEVELOPMENT COMMITTEE (Cont'd.)

annually. Increases the amount of death benefits paid to the surviving children of a deceased employee under specified circumstances.

~~amusement ride safety; administration~~ (NOW: contractors; requirements; construction contracts) (H.B. 2200) – Chapter 224

Classifies as a class 1 misdemeanor, and permits the Registrar of Contractors (ROC) to suspend or revoke a contractor's license for, recklessly combining or conspiring with any person with the intent to evade the laws pertaining to contractors. Specifies when the two-year period for the filing of a written complaint with the ROC begins. Beginning January 1, 2008, requires the elements that currently must be included in a contract for more than \$1,000 and less than \$150,000 between a contractor and the property owner to be included in all contracts for more than \$1,000, as well as additional information pertaining to the property owner's right to file a complaint with the ROC.

~~college courses; high school credit~~ (NOW: minimum wage; employers; liability) (H.B. 2245) – Chapter 272

SEE APPROPRIATIONS COMMITTEE.

state plumbing code (H.B. 2252) – Chapter 15

Repeals the State Uniform Plumbing Code and permits a county board of supervisors to adopt and enforce a plumbing code for unincorporated areas.

driver license information; retailer use (H.B. 2291) – Chapter 208

Enumerates the purposes for which a retailer may retain and use information from a customer's driver license, including the parties to whom the information may be disclosed, and prohibits a retailer from transmitting the information to any other party, except law enforcement agencies. Designates an offense as a violation of the Consumer Fraud Act and prescribes the maximum civil penalty for each violation. Either the county attorney in the county in which the violation occurs or the Attorney General may enforce the provisions. Allows the county attorney to obtain injunctive relief and recover costs and attorney fees.

~~shooting ranges; rezoning; noise attenuation~~ (NOW: scrap metal dealers; records) (H.B. 2314) – Chapter 186

Effective May 8, 2007, expands the definition of aggravated criminal damage to include intentionally or recklessly, without permission of the owner, defacing, damaging or tampering with any utility or agricultural infrastructure or property, construction site or existing structure for the purpose of obtaining nonferrous metals and designates this form of aggravated criminal damage as a class 3, 4 or 5 felony, depending on the amount of damage.

Makes various changes, beginning September 1, 2007, to the statutes relating to scrap metal dealers (dealer), including: 1) increases the amount of information that a dealer must record and retain for transactions that exceed \$25; 2) prohibits, for transactions involving industrial accounts that do not preregister employees, copper or aluminum wire with a specified diameter, and for all scrap metal transactions of \$300 or more, a dealer from providing payment at the time of the transaction and requires the dealer to make payment by mailing a check or money order to a physical address; and 3) requires scrap metal dealers to deliver a record of the receipt of scrap metal to the

COMMERCE & ECONOMIC DEVELOPMENT COMMITTEE (Cont'd.)

Department of Public Safety, as opposed to local law enforcement. Additionally, the measure requires scrap metal sellers to be at least 16 years of age and prohibits sellers from participating in more than one cash transaction per day. Transactions involving aluminum beverage containers and materials consisting of a metal product in its original manufactured form that is comprised of no more than 20 percent by weight nonferrous metal are exempted from the limitations and requirements.

~~motion picture tax credit; accountability~~ (NOW: tax credit accountability; motion picture) (H.B. 2322) – Chapter 225

Beginning January 1, 2008, extends the letter of qualification for eligibility for the motion picture production tax incentives to 24 months. Requires a production to begin within 90 days and the production company to spend at least \$250,000 before qualifying for a tax credit. The tax credit for eligible production costs is increased to 20 percent for productions of \$250,000 to \$1 million and to 30 percent for productions of over \$1 million. The maximum tax credit per motion picture is also increased, from \$5 million to \$7 million in 2008, \$8 million in 2009 and \$9 million thereafter. Unused credits are set aside and used to pay appeals. Any unused credit balance is added to the cap for the next calendar year. Beginning with the 2008 income tax credit allocation, five percent of the annual income tax credit cap is reserved for commercial advertisements and music video productions.

A motion picture production company is authorized to apply for approval of the production before a viewable copy of the production is available if the production company submits a letter of credit, payable to the Department of Revenue (DOR). The letter of credit must stipulate that the issuer will pay the full face value of the income tax credits within two days after receiving a written disqualification from the Arizona Department of Commerce (ADOC). A motion picture production company or motion picture infrastructure project investor may enter into a limited managed audit agreement with DOR to confirm the amount of the tax credit after the production company or investor receives ADOC postcertification. Provides criteria and specifications for entering into the managed audit agreements.

Establishes, for tax years 2008 through 2010, a transferable individual and corporate income tax credit for motion infrastructure project costs in Arizona based on the following scale: 1) \$5 million in 2008 for soundstage projects; 2) \$5 million in 2009 for soundstage projects and \$7 million in 2009 for associated support and augmentation facilities if at least one soundstage project was certified in 2008; and 3) \$5 million in 2010 and \$9 million for associated support and augmentation facilities in 2010 if one or more soundstage projects were certified in 2008 or 2009. The amount of the credit is 15 percent of the total base investment in the project during the taxable year and a company may not receive income tax credits in excess of \$3 million per motion picture production. Taxpayers may transfer or sell all or part of any unclaimed credits. The transferred credits are subject to the same conditions as the original taxpayer.

Allocates \$180,000 of the credit cap to the ADOC in FY 2007-2008 for up to two full-time equivalent positions to administer the motion picture tax incentive program.

hazard disclosures; reports (H.B. 2323) – Chapter 76

Permits a third party to provide a hazards disclosure report (report) to the buyer of real property, in addition to the seller of the property as already permitted, and stipulates that no person is required to provide or purchase a report. Modifies requirements pertaining to the provision of

COMMERCE & ECONOMIC DEVELOPMENT COMMITTEE (Cont'd.)

reports, including those related to: 1) the conditions that must be disclosed in the reports; 2) insurance coverage; and 3) indemnification for an error, inaccuracy or omission. Stipulates that the listing of a condition in statute or in a report does not affect the materiality of that condition. Prohibits a third party provider from representing: 1) that the purchase of a report is required or 2) that the provider offers protection from liability or provides information about property conditions that are not the subject of the report or that are not within the current ability of the third party provider to provide. Classifies the failure to obtain the required insurance or the commission of a misrepresentation as a class 1 misdemeanor subject to enforcement through private action and prosecution by the Attorney General or the appropriate county attorney. A provider of a report who is found guilty of committing a misrepresentation is liable for damages of not more than \$2,000 per occurrence, in addition to any other remedies provided by law.

spirituous liquor; omnibus (H.B. 2391) – Chapter 187

Makes numerous changes to the statutes governing spirituous liquor. The major provisions include:

Licensed Premises – Permits a licensed premises to include a patio that is separated by not more than 30 feet from the remainder of the premises by a walkway or driveway.

Restaurant Licenses – Permits the Director of the Department of Liquor Licenses and Control to require a licensee to surrender a restaurant license, as opposed to revoke the license, if the licensee ceases to meet the requirements pertaining to food service and kitchen facilities. Requires the Director to deem a restaurant license surrendered, as opposed to revoked, if food sales account for less than 30 percent of the restaurant's gross revenue.

Age Verification – Specifies a new procedure that a licensee, employee or other person, who questions or has reason to question that a person is under the legal drinking age, must follow. A licensee or employee is not required to employ the procedure if the licensee or employee already completed the procedure for the person during that same visit. Presumes that a licensee or employee who has not retained a record of a person's identification did not follow the procedure and knows that the person entering the licensed premises is under the legal drinking age. Proof that a licensee or employee employed the procedure, but did not retain a record, is an affirmative defense for an alleged violation, unless the licensee or employee has actual knowledge that the person is under the legal drinking age. Admitting a person into any portion of a licensed premises in violation of the law, if the licensee or employee has actual knowledge that the person is under the legal drinking age, is a class 1 misdemeanor subject to the suspension of driving privileges.

Penalties for Underage Persons – Permits the court to suspend, for up to 180 days, the driving privilege of a person who is under age 18 on receiving the record of the person's first conviction for buying, receiving, possessing or consuming spirituous liquor. Decreases, from not less than six months to not more than six months, the length of time for which the Arizona Department of Transportation must suspend the driver license, nonoperating identification license or driving privilege of a person who is under the legal drinking age and who is convicted of using any license to obtain spirituous liquor or enter a licensed premises.

workers' compensation; premium reduction (H.B. 2405) – Chapter 148

Authorizes a workers' compensation insurance carrier to reduce the amount of premiums paid by an employer by up to five percent if the insured employer: 1) complies with the prescribed

COMMERCE & ECONOMIC DEVELOPMENT COMMITTEE (Cont'd.)

drug testing policy requirements; 2) conducts drug testing of prospective employees and of an employee after the employee has been injured; and 3) allows the insurance carrier to have access to the drug testing results.

unlawfully obtaining communication records (NOW: communication service records; unauthorized use) (H.B. 2726) – Chapter 210

Classifies knowingly procuring, selling or receiving a communication service record or public utility record of any Arizona resident without the resident's authorization or by fraudulent means as a violation of the Consumer Fraud Act and a class 1 misdemeanor, with some exceptions. Prohibits the use of any personal information contained in a telephone record, public utility record or communication service record that is obtained without authorization, or fraudulently, in any judicial, administrative, legislative or other proceeding, unless the information is proof in an action or prosecution under this measure or its use is otherwise authorized by law. The measure specifies the relief that a customer whose records are disclosed or procured without authorization or fraudulently may recover in a civil action. Disclosure of telephone records, public utility records and communication service records to the Arizona Corporation Commission for use in the performance of its duties is permitted.

fair and legal employment act (H.B. 2779) – Chapter 279

SEE APPROPRIATIONS COMMITTEE.

Education K-12 Committee

Senator Karen Johnson, Chairman



Dawn Nazary, Research Analyst

Sabrina Vazquez, Intern

EDUCATION K-12 COMMITTEE

LEGISLATION ENACTED

school districts; tuition agreements (S.B. 1018) – Chapter 93

Allows a school district to charge tuition for certain pupils if the two school districts involved have entered into a voluntary agreement with a term of no more than five consecutive years for the payment of tuition. The agreement for the payment of tuition must include the methodology used to compute the tuition amount, the timing of the tuition payments and a stipulation that allows a parent or legal guardian of a pupil affected by an agreement to choose not to send the pupil to any school district that is party to the agreement.

~~schools; governing boards; questionnaire~~ (NOW: school governing board; candidate statement) (S.B. 1046) – Chapter 190

Requires each county school superintendent to publish on its website a statement from each candidate for school district governing board membership in the county. Each candidate must submit up to a 500-word typewritten or electronically submitted statement, with a recent photograph, upon certification by the county school superintendent but no later than 21 days before general election ballots are mailed. The county school superintendent's office must post verbatim the candidate's statement no later than 14 days before the general election ballots are mailed, unless a written request is submitted to correct typographical errors, or "no response submitted" if a candidate fails to submit a statement. The posting of candidate statements is exempt from statutory restrictions relating to the influencing of elections.

unorganized territories; joining school districts (S.B. 1067) – Chapter 133

Eliminates the ballot option for an unorganized territory, with at least 150 pupils, to form its own unified school district. The bill further requires the county school superintendent to redraw school district boundaries to include an unorganized territory if there is only one qualified adjacent school district identified for annexation and continues the current requirement that an election be called if there are two or more qualified adjacent school districts identified for annexation.

~~technical correction; food standards~~ (NOW: unorganized territory; school district annexation) (S.B. 1122) – Chapter 191

Allows a unified school district (district) to annex a noncontiguous unorganized territory if: 1) a majority of qualified electors or property owners, if there are no qualified electors, from the unorganized territory present a petition for annexation; 2) there are less than 150 pupils in the unorganized territory at the time of annexation; and 3) the unorganized territory is adjacent to an Indian reservation with less than 2,000 persons but not adjacent to the district. Upon approval of the petition by the district governing board and in the absence of a petition opposing the annexation by the qualified electors of the district, the county school superintendent must conform the boundaries of the district to include the noncontiguous unorganized territory and notify the county board of supervisors and county assessor of the change.

EDUCATION K-12 COMMITTEE (Cont'd.)

~~schools; hours of instruction.~~ (NOW: school redistricting commission; unification) (S.B. 1164) – Chapter 283

Beginning July 2, 2007, makes numerous changes. The major provisions include:

School District Redistricting Commission (SDRC) – Expands the SDRC's existing review of common school districts to include all school districts that transport all of their pupils to another school district for instruction. Requires the SDRC to consider the following in determining the statewide unification plan: 1) superintendent contract buyouts; 2) the Voting Rights Act of 1965; 3) a ward system for governing board member elections; and 4) available student capacity at existing school facilities.

Newly Unified School Districts – Allows a newly unified school district, formerly an elementary school district, to continue to calculate its budget and formula funding as it had when the elementary school district paid tuition for the high school pupils in the school district to attend another school district, until a high school is constructed or June 30, 2011, whichever occurs first, or for a maximum of three years after the first year of operation of a new high school.

Transporting Districts – Requires the county school superintendent to dissolve a school district and annex its geographic boundaries to an adjacent school district that provides instruction to the majority of pupils who reside in the transporting school district if the transporting district: 1) does not offer full-time instruction programs in any grade level; 2) transports all of the resident pupils to other school districts; and 3) transports more than 350 pupils annually to other school districts. Allows the existing transporting governing board members to continue serving on the governing board of the school district to which the transporting district was annexed, until January 1 after the next general election.

Mental Health Screening Exemption – Exempts the Arizona Criminal Justice Commission's Chemical Abuse and Related Gang Activity Survey from required written parental consent opt-in, if the survey does not include questions related to depression and religiosity.

School Attendance Boundary Changes – Retroactive to July 1, 2007, requires school districts to create and enforce policies regarding attendance boundary changes that include the following procedures: 1) public meetings, which allow for public comments; 2) parental, resident and land donor notification; and 3) posting of meeting notices, proposed maps, final decisions made by the governing board and attendance boundary updates within 90 days, on the school district website.

Joint Technological Education District (JTED) – Prevents a JTED from funding in whole or in part a student in grades K-8 who is enrolled in a vocational educational program.

schools; test scores; academic gains (S.B. 1522) – Chapter 200

Allows the Superintendent of Public Instruction and Arizona Department of Education (ADE) to calculate pupil academic gain on the Arizona Instrument to Measure Standards (AIMS) test for each AZLEARNs school accountability label on a statewide, school district and school basis. The academic gain is derived through a comparison of average scale scores for students in the current year and the same students in the previous year. Additionally, the bill allows the ADE to develop a school district or charter school operator classification label based on, but not limited to, the following components: 1) measures of academic progress; 2) test scores; 3) attendance and graduation rates; and 4) parental rating of school quality.

EDUCATION K-12 COMMITTEE (Cont'd.)

school accountability; school achievement profiles (H.B. 2039) – Chapter 109

Requires the Arizona Department of Education (ADE), for accountability label purposes, to compute a single achievement profile for every school that offers instruction in all K-12 grades or a combination of those grades. The bill further requires the ADE to compile parallel achievement profiles for extremely small schools as defined by the State Board of Education and removes the definition of a small school as a school with fewer than 100 pupils.

charter schools; fingerprinting; civil penalty (H.B. 2041) – Chapter 6

Allows a charter school sponsor to impose a civil penalty of \$1,000 per occurrence on a charter school that does not comply with the state fingerprinting requirements, but allows an exemption of the civil penalty if the violation is the first occurrence of noncompliance and the charter school provides proof within 48 hours of notification that the Department of Public Safety has received appropriate applications for noncompliant individuals.

school safety oversight committee; continuation (H.B. 2045) – Chapter 62

Retroactive to July 1, 2007, continues the School Safety Program (Program) Oversight Committee until July 1, 2017. The bill further allows a public school district to apply every year for the Program by submitting a proposal or needs assessment and removes the funding restriction that new applicants can only receive unencumbered monies from the prior year or monies specifically appropriated to expand the Program.

school districts; accounts; direct deposit (H.B. 2183) – Chapter 11

Allows a school district governing board to establish a clearing bank account for recording direct deposit payroll payments made to financial institutions designated by school district employees.

schools; special education definitions (H.B. 2184) – Chapter 68

Prohibits classification as a “child with a disability” if the determining factor is a lack of appropriate instruction in reading and mathematics, or difficulty in writing, speaking or understanding of the English language, if English is not the child’s primary language. Also prevents reclassification of a “child with a disability” unless the child is reevaluated and it is determined that the child no longer meets the statutory definition. The bill conforms the definition of “specific learning disability,” “ward of the state,” “speech or language impairment” and “visual impairment” to the Individuals with Disabilities Education Act.

schools; adult education fees (H.B. 2202) – Chapter 184

Requires the Arizona Department of Education’s Adult Education Division to review, approve and monitor a supplemental fee structure that may be implemented by adult education providers, to ensure: 1) compliance with state and federal laws; 2) consideration of an individual’s ability to pay; and 3) inclusion of a sliding scale fee schedule based on household income. Adult education providers must: 1) conspicuously post and disseminate written notice to program participants at least 90 days prior to the implementation of the fee structure; 2) assess the approved fees to each individual participating in any adult education program offered by a provider; and 3) use the fees to support and expand adult education programs. The bill prohibits providers from using fee

EDUCATION K-12 COMMITTEE (Cont'd.)

revenues to supplant existing state and federal funding and the Arizona Department of Corrections from charging fees for adult education programs offered in correctional facilities.

~~appropriation; character education office~~ (NOW: character education; matching grant; transfer) (H.B. 2204) – Chapter 86

Replaces the Arizona K-12 Center at Northern Arizona University with the Arizona Department of Education (ADE) as the administrator of the state character education matching grant program. The bill further requires a technical evaluation team appointed by the ADE procurement division to fairly and objectively review and approve grant applications. Grant applications are subject to state procurement laws and must list a preapproved program provider. Eliminates the annual matching grant cap of \$1,500 per public school. Any unspent character education monies distributed since June 30, 2005, to the Arizona K-12 Center transfers to the ADE on the effective date of the bill.

~~child support committee; membership~~ (NOW: special education; school year) (H.B. 2251) – Chapter 201

SEE PUBLIC SAFETY & HUMAN SERVICES COMMITTEE.

~~school districts; impact aid miscalculations~~ (NOW: school districts; budget; miscalculations; receivership) (H.B. 2305) – Chapter 234

SEE APPROPRIATIONS COMMITTEE.

~~out of state students; admission~~ (NOW: school governing board; admission; nonresidents) (H.B. 2332) – Chapter 274

Retroactive to July 1, 2007, allows a school district governing board to admit nonresident children from another state through an intergovernmental agreement without charging tuition if the child is a member of a federally recognized Indian tribe and resides on Indian lands with overlapping boundaries in Arizona and another state. Requires the school district governing board in this state to charge or pay tuition if the number of nonresident pupils admitted from another state is greater or less respectively than the number of resident pupils admitted by another state.

special education; surrogate parents (H.B. 2393) – Chapter 126

Replaces the court of competent jurisdiction with the Arizona Department of Education (ADE) as the entity charged with appointing a surrogate parent to represent a child with a disability whose parent, as defined by federal law, cannot be identified or located, in matters pertaining only to special education services offered in public schools. The bill also conforms state statutes related to the appointment of a surrogate parent to the Individuals with Disabilities Education Act. Additionally, the bill directs the ADE, if permitted by state and federal law, to notify the court of competent jurisdiction if the ADE appoints a surrogate parent for a ward of the state.

schools; flag size (H.B. 2468) – Chapter 89

Grandfathers in United States flags presently displayed in public education institution classrooms that are of sufficient size, easily recognizable and not made of paper until the flag needs to be replaced, at which time the replacement flags must measure at least two feet by three feet.

EDUCATION K-12 COMMITTEE (Cont'd.)

~~schools; energy and water savings~~ (NOW: schools; energy and water efficiency) (H.B. 2496) – Chapter 150

SEE NATURAL RESOURCES & RURAL AFFAIRS COMMITTEE.

~~transportation districts~~ (NOW: school districts; overexpenditures; receivership) (H.B. 2612) – Chapter 238

SEE APPROPRIATIONS COMMITTEE.

teacher certification; proficiency exam reciprocity (H.B. 2714) – Chapter 151

Requires a nonresident teacher seeking certification reciprocity to pass the requisite Arizona proficiency examinations, if an equivalent test or tests were taken in another state seven or more years prior, unless the teacher taught for at least five of the previous seven years in another state. For a teacher who is not required to pass Arizona proficiency examinations, reciprocity is limited to Arizona examinations that pertain to the grade levels and content areas the teacher was certified to teach in another state.

~~k-12 education; budget reconciliation~~ (NOW: budget reconciliation; K-12 education) (H.B. 2790) – Chapter 264

SEE APPROPRIATIONS COMMITTEE.

~~school facilities board; budget reconciliation~~ (NOW: budget reconciliation; school facilities board) (H.B. 2792) – Chapter 266

SEE APPROPRIATIONS COMMITTEE.

school district expenditures; authorization (H.C.R. 2008/S.C.R. 1022)

Authorizes school districts in FY 2006-2007 to expend local revenues in the amount of \$7,984,452 above the aggregate expenditure limitation allowed by the Arizona Constitution.

LEGISLATION VETOED

schools; TAPBI program participants (S.B. 1019) – VETOED

Retroactive to July 1, 2007, expands the Technology Assisted Project-Based Instruction (TAPBI) Program from 14 existing sites to 18.

In her veto message, the Governor states that S.B. 1019 is premature and the TAPBI Program should not be expanded to other locations until the results of the Auditor General performance audit on the TAPBI Program is completed.

~~parking agreements; technical correction~~ (NOW: early graduation scholarship program; funding) (S.B. 1183) – VETOED

Creates the Early Graduation Scholarship Program (Program) at every school district or charter high school to provide scholarships to eligible pupils for tuition, books and fees in the first

EDUCATION K-12 COMMITTEE (Cont'd.)

two academic years of postsecondary instruction at a public or private, in-state or out-of-state, postsecondary institution or vocational program. The school district or charter school continues to receive annual per pupil funding for the pupil until the pupil's scheduled graduation date, of which \$2,000 is deposited into the Early Graduation Scholarship Fund to be used for scholarship awards. The bill allows the pupil to participate at no cost in extracurricular activities until the pupil's scheduled graduation date and high school graduation ceremonies.

In her veto message, the Governor objects to the use of public scholarship monies at nonaccredited institutions and programs. The Governor further states that the administrative burden left to individual schools would result in bureaucracies with no uniform eligibility and accountability criteria and recommends a single agency to administer the program.

charter schools; transfer of credits (S.B. 1633) – VETOED

Requires a public school to accept in a uniform and consistent manner any credits earned by a pupil in courses or instructional programs at another public school. A student who disagrees with the decision of the public school and its governing body may appeal the decision to the State Board of Education (SBE). Requires the SBE to review and make the final nonappealable decision whether to award earned credits to the pupil.

In her veto message, the Governor states that the SBE, as a policy making body, is not equipped to adjudicate the appeals that may arise each year and would be placed in an inappropriate position to decide appeals of determinations made by local school boards.

schools; open enrollment; OCR agreements (H.B. 2119) – VETOED

Repeals open enrollment restrictions that prohibit a pupil from transferring out of a school or school district that is a party to an Office of Civil Rights (OCR) agreement to remediate racial discrimination to a charter school or another school district.

In her veto message, the Governor states that H.B. 2119 would disrupt the balance of agreements negotiated by school districts and the OCR to reduce or eliminate racial discrimination through appropriately integrated school districts.

Finance Committee

Senator Jim Waring, Chairman



Sean Laux, Research Analyst

Justin Weaver, Assistant Analyst

FINANCE COMMITTEE

LEGISLATION ENACTED

vehicle license tax; military exemption (S.B. 1007) – Chapter 239

Exempts Arizona residents in the United States armed forces, including the Arizona National Guard and reserve members, who are deployed in support of a worldwide contingency operation from remitting the vehicle license tax and registration fees for one year when originally registering a vehicle in Arizona. The exemption is limited to one time for the member, the member's spouse or the member's legally designated representative for up to two cars from the date of deployment until one year after the member is discharged from the military.

tax liabilities; suspension (S.B. 1036) – Chapter 132

Requires the Arizona Department of Revenue (DOR) to extend any due date and suspend any penalty or interest that would normally accrue, for up to one year, for any affected taxpayer in the event of a presidential-declared disaster, terroristic or military action or Governor-declared state of emergency.

~~tax credit; peace officer expenses~~ (NOW: income tax deadlines) (S.B. 1157) – Chapter 1

An emergency measure, retroactive to December 31, 2006, that extends income tax filing and payment deadlines to the next day that is not a Saturday, Sunday or legal holiday, if the normal deadline falls on a Saturday, Sunday or legal holiday.

Conforms the definition of the United States Internal Revenue Code (IRC) for tax year 2007 to the IRC in effect on January 1, 2007. Updates the IRC definition for tax year 2006 to include retroactive federal tax law changes.

tax foreclosure sales; notice (S.B. 1195) – Chapter 193

Reduces the time period a county board of supervisors must publish a list of property for sale at a property tax foreclosure auction, from four weeks prior to the sale to a period of between two and three weeks. A public sale is authorized to be conducted over the Internet.

recomputation of tax; final determination (S.B. 1233) – Chapter 160

Retroactive to January 1, 2007, specifies that a final determination, for Arizona income tax purposes, occurs when the appeal rights of the Internal Revenue Service (IRS) and the taxpayer have been exhausted relative to the tax year. Partial agreements, jeopardy assessments and other agreements are considered part of the final determination. Partial, closing and other IRS agreements that would be final except for flow through adjustments are final on the date the agreement is signed. Flow through adjustments are final based on the exhaustion of appeal rights. The Department of Revenue is not required to issue refunds until the final determination has been made.

FINANCE COMMITTEE (Cont'd.)

~~property tax appeals; hearings~~ (NOW: board of equalization; hearing officers) (S.B. 1554) – Chapter 37

Increases the maximum compensation of State Board of Equalization hearing officers from \$150 to \$300 per day.

~~contractors; violations; sales tax~~ (S.B. 1592) – Chapter 174

SEE COMMERCE & ECONOMIC DEVELOPMENT COMMITTEE.

~~repeal; certain federal withholding tax~~ (S.C.M. 1001)

Urges Congress to repeal the three percent withholding tax on payments for services and property provided to government agencies.

~~municipal rental inspections; technical correction~~ (NOW: cable television; licensing) (H.B. 2069) – Chapter 179

Prescribes the costs and expenses a municipal licensing authority is permitted to require a cable operator to incur as part of a license obligation to provide public, educational and governmental access channels.

~~property tax commission; sunset continuation~~ (H.B. 2078) – Chapter 41

Retroactive to July 1, 2007, continues the Property Tax Oversight Commission until July 1, 2017.

~~income tax credit review schedule~~ (H.B. 2079) – Chapter 7

Reschedules in 2012 the review of income tax credit for: 1) the family income; 2) contributions to school tuition organizations; 3) public school fees and contributions; and 4) school site donations.

~~income tax credit; other states~~ (H.B. 2084) – Chapter 112

Provides an individual income tax credit for taxpayers who are considered residents of more than one state, if the other state does not allow the taxpayer a credit for taxes paid in Arizona, retroactive to January 1, 2002. The credit is limited to the proportion of income tax paid to the other state on income earned within that state.

~~parcel splits; annexations; taxing districts~~ (NOW: parcel splits; taxing districts) (H.B. 2091) – Chapter 8

Requires any taxing district that submits district boundaries to a county board of supervisors for approval after November 1, 2007, to include only entire parcels of real property, as determined by the county assessor; prohibits taxing districts from splitting parcels.

FINANCE COMMITTEE (Cont'd.)

county treasurers; property tax collection (H.B. 2207) – Chapter 117

Allows a county treasurer to allocate taxes to multiple owners of real property that was split or consolidated after September 30 of each year. A current mobile home owner may no longer extend the due date for payment of delinquent taxes that were levied and became delinquent with the previous owner, for a second year without the accrual of interest and penalties.

~~motion picture tax credit; accountability~~ (NOW: tax credit accountability; motion picture) (H.B. 2322) – Chapter 225

SEE COMMERCE & ECONOMIC DEVELOPMENT COMMITTEE.

government property tax exemption; retroactivity (H.B. 2476) – Chapter 106

Beginning April 20, 2007, exempts lessees of permanent improvements on land owned by the Salt River Project from property tax, retroactively to September 18, 2003.

solar energy tax credit; application (H.B. 2491) – Chapter 180

Retroactive to January 1, 2006, allows a third party organization that financed, installed or manufactured a qualified solar energy device to claim the income tax credit for solar energy devices, if the entity that would otherwise qualify for the credit is tax exempt and transfers the credit to the third party organization.

~~hearing aid dispensers; continuing education~~ (NOW: municipal sales tax incentives; prohibition) (H.B. 2515) – Chapter 276

Prohibits a municipality located entirely within the boundaries of a metropolitan statistical area having a population of more than two million persons from offering or providing a tax incentive to a business as an inducement or in exchange for locating or relocating a retail business in the municipality, with specific exceptions. A municipality is subject to a reduction in state shared revenue in an amount commensurate to the incentive realized by the business.

~~income tax deadlines~~ (NOW: prime contracting; property owners) (H.B. 2627) – Chapter 188

Excludes property owners from being classified as prime contractors for transaction privilege tax purposes, regardless of whether a contract for sale has been executed, retroactive to January 8, 1991. If the property title has already passed to the new owner, the original owner may be considered a prime contractor under certain circumstances. Establishes a mechanism for property owners currently classified as prime contractors to apply for tax refunds retroactive to January 8, 1991. Refund requests must be filed by December 31, 2007. The cumulative amount of refunds available to all taxpayers is limited to \$10,000.

property tax; electric generation valuation (H.B. 2657) – Chapter 203

SEE APPROPRIATIONS COMMITTEE.

tax relief package; 2007 (NOW: 2007 tax reduction package) (H.B. 2784) – Chapter 258

SEE APPROPRIATIONS COMMITTEE.

FINANCE COMMITTEE (Cont'd.)

LEGISLATION VETOED

sales tax exemption; commercial photography (S.B. 1320) – VETOED

Exempts, retroactive to August 1, 1993, sales of photographic images by photography businesses to a commercial purchaser for incorporation into a document or motion picture that is used to promote education, business, industry or trade from the retail classification of the transaction privilege tax and use tax.

In her veto message, the Governor indicates that she opposes the creation of a different tax treatment for photographers who sell to commercial purchasers versus those who sell to individual purchasers.

residential property tax; homesite area (H.B. 2434) – VETOED

Prescribes a maximum of ten acres of a single parcel to be designated as a homesite for class 3 (owner-occupied residential property) property tax purposes, with prescribed exceptions. If the property's use changes or the property is sold or divided, a property owner must notify the county assessor within 60 days. Property that is disqualified from the homesite designation is subject to tax, interest and penalties from the date of the disqualification.

In her veto message, the Governor expresses concern about allowing unlimited acreage to be designated as a homesite by only filing an initial affidavit with the county assessor stating the property will not be subdivided or used for other purposes. She argues that this provision would allow landowners and developers to achieve significant property tax savings. Additionally, the Governor expresses concern that the bill lacks consequences for a property owner who renounces the affidavit.

Financial Institutions, Insurance & Retirement Committee

Senator Pamela Gorman, Chairman



Brett Rufer, Research Analyst

Amy Gentry, Intern

FINANCIAL INSTITUTIONS, INSURANCE & RETIREMENT COMMITTEE

LEGISLATION ENACTED

deferred annuities; cash surrender; payment (S.B. 1073) – Chapter 28

Requires an insurance company to pay cash surrender benefits on individual deferred annuities within 30 days of contract termination and establishes procedures for an insurance company to defer payment.

public supplemental defined contribution plans (S.B. 1200) – Chapter 98

Allows an employee to determine the retirement plan into which any employer matching funds are paid and removes a one percent minimum employee contribution rate to a supplemental defined contribution plan.

variable group contracts (S.B. 1203) – Chapter 99

Defines variable group contracts as a variable group annuity or variable group life insurance policy that consists of two or more individuals. Requires a variable group contract seller to be licensed by the Department of Insurance and authorized to sell variable group contracts by an insurer who conducts business in this state.

group disability insurance; eligible group (S.B. 1204) – Chapter 158

Reduces, from five to two, the minimum number of employees required to be covered by an employer offering group disability insurance and modifies the definition of employee to include an individual proprietor or self-employed person.

certificates of deposit; government investments (S.B. 1216) – Chapter 53

Allows a municipality, a school district, the State Treasurer or a political subdivision to invest surplus funds and other monies in federally insured certificates of deposit using a depository network and establishes guidelines that must be followed when investing in certificates of deposit.

department of insurance; omnibus (S.B. 1242) – Chapter 34

Requires any information obtained through a Department of Insurance (DOI) fraud unit investigation to remain confidential unless a subpoena is issued and requires the Director of DOI to notify the insurer of a subpoena request.

Allows an insurer to meet financial disclosure filing requirements by electronic submission with the National Association of Insurance Commissioners and repeals the requirement that an insurer annually report any reduction in losses incurred as a result of the mandatory seatbelt law.

The Director of DOI may deny, suspend, revoke or refuse to renew an insurance producer's license if the license has previously been denied, suspended or revoked. A managing general agent,

FINANCIAL INSTITUTIONS, INSURANCE & RETIREMENT COMMITTEE (Cont'd.)

adjuster, rental car agent, risk management consultant and bail bond agent shall submit the same information that is required of insurance producers and must inform the Director of any change in name, residential or business address, members, directors or officers.

state servicing banks; procedures (S.B. 1296) – Chapter 36

Expands the time frame and alters the application process for a bank to bid on a state servicing contract. Permits the State Treasurer to establish the account balance in the servicing bank and conduct electronic banking transactions with the servicing bank.

~~fire districts; noncontiguous county areas~~ (NOW: ASRS; postdoctoral scholars; eligibility) (S.B. 1556) – Chapter 173

Stipulates that a postdoctoral scholar employed by a university under the jurisdiction of the Arizona Board of Regents is ineligible for membership in the Arizona State Retirement System.

ASRS; long-term disability amendments (H.B. 2145) – Chapter 114

Decreases Long-term Disability Program (LTD) benefits by increasing social security benefit offsets and extending, from three to six months, the preexisting condition exclusion to receive LTD benefits for disabilities commencing on or after July 1, 2008.

ASRS; investment management (H.B. 2147) – Chapter 270

Modifies the Arizona State Retirement System's investment management requirements and provisions.

ASRS; active military service credit (H.B. 2148) – Chapter 244

Beginning July 1, 2007, allows Arizona State Retirement System (ASRS) members who volunteer or are called into military service and who die or become disabled during service to purchase ASRS service credit. The changes made are repealed on July 1, 2009.

insurance guaranty fund (H.B. 2188) – Chapter 115

Reorganizes the Arizona Property and Casualty Guaranty Insurance Fund Board, allowing current board members to fulfill the remainder of their term, increases the covered claims cap amount from \$100,000 to \$300,000 and creates a new cap of \$10,000 for the return of unearned premiums.

insurance; actuarial opinion; memorandum requirements (H.B. 2189) – Chapter 69

Repeals and rewrites statutory provisions relating to actuarial opinion and memorandum requirements for a life insurer. A life insurer must annually submit a statement of actuarial opinion based on an asset adequacy analysis. Also, outlines specific requirements necessary to be included in actuarial opinions and memorandums.

bank lending limits (H.B. 2198) – Chapter 70

Increases, from 15 to 20 percent, the amount a bank may lend to a single borrower.

FINANCIAL INSTITUTIONS, INSURANCE & RETIREMENT COMMITTEE (Cont'd.)

retirement plans; domestic relations orders (H.B. 2215) – Chapter 87

Codifies procedures regarding domestic relations orders for the Public Safety Personnel Retirement System, Corrections Officer Retirement Plan and Elected Officials' Retirement Plan.

captive insurer amendments (H.B. 2294) – Chapter 122

Enacts multiple changes relating to a captive insurer, including: 1) allowing a branch captive insurer to operate in this state if it maintains its principal place of business in this state; 2) prohibiting a branch captive insurer from writing workers' compensation or employers' liability insurance; 3) requiring the manager of any captive insurer to do business at a location within this state; and 4) allowing a captive insurer to insure commercial motor vehicle insurance policies.

~~water; maximum daily loads; report~~ (NOW: retiree health insurance; rural subsidy) (H.B. 2311) – Chapter 253

SEE NATURAL RESOURCES & RURAL AFFAIRS COMMITTEE.

~~technical correction; county treasurers; warrants~~ (NOW: county treasurer; procedures (H.B. 2387) – Chapter 215

Allows a county treasurer to disclose confidential taxpayer information under specified circumstances and codifies procedures to follow when a warrant or check is unpaid due to lack of funds.

credit unions; loans; prepayment penalties (H.B. 2478) – Chapter 90

Permits credit unions to charge prepayment penalties on member business loans.

Government Committee

Senator Jack Harper, Chairman



Chad Nitsch, Research Analyst

Bill Boyd, Assistant Analyst

Jacob Agron, Intern

GOVERNMENT COMMITTEE

LEGISLATION ENACTED

ADOT records; domestic violence victims (NOW: public records; confidentiality) (S.B. 1006) – Chapter 141

SEE TRANSPORTATION COMMITTEE.

marriage licenses; local court clerks (S.B. 1056) – Chapter 26

Expands the authority of the city or town court clerk to include the issuance of marriage licenses, if the municipality or town is more than four miles from the county seat.

homeowners' associations; for sale signs (S.B. 1062) – Chapter 228

Authorizes a unit owner or homeowners' association member to display an indoor or outdoor "for sale" sign, including a "for sale by owner" sign, as well as a sign rider, on that person's property. Specifies that a "for sale" sign and sign rider must conform to industry standards, not to exceed 18 by 24 inches or 6 by 24 inches, respectively.

county planning and zoning commissions (S.B. 1082) – Chapter 30

Allows for the appointment of an alternate planning and zoning commission member to serve in the absence of the regularly appointed commission member in counties with a population of less than 179,000. Requires an alternate member to conclude any action on an agenda item under consideration, if the regularly appointed member becomes available during the course of a meeting.

Eliminates the options that allow: 1) supervisorial districts that contain over 60 percent of an incorporated area to appoint to the county planning and zoning commission both members who are residents of the incorporated area; and 2) supervisorial districts containing less than 60 percent of an incorporated area to appoint at least one member who is a resident of the unincorporated area.

Requires planning and zoning commission members of counties with five supervisorial districts to be residents of the supervisorial district from which they are appointed.

constable ethics standards and training (S.B. 1085) – Chapter 143

Replaces the Constable Ethics Committee (Committee) with the Constable Ethics Standards and Training Board (Board) and the Constable Ethics Committee Fund with the Constable Ethics Standards and Training Fund. Transfers authorities, duties and monies of the Committee to the Board. Requires constables to attend training under the Board, upon approval of the Arizona Peace Officer Standards and Training Board. Alters the calculation for certified mileage reimbursement to constables in Maricopa County and specifies logistical rules of the Board.

GOVERNMENT COMMITTEE (Cont'd.)

monuments; memorials; governmental mall (S.B. 1114) – Chapter 250

Beginning June 20, 2007, requires the Legislative Governmental Mall Commission (Commission), in consultation with the Arizona Department of Administration, to set the minimum dollar amount proponents of a proposed memorial must deposit in the newly established State Monument and Memorial Repair Fund (Fund) and to approve any statement, declaration, writing or inscription that will appear on a monument or memorial (monument).

Specifies that the proponents of a monument are responsible for any costs incurred in correcting any deviations from the approved monument design and stipulates that the proponents must provide monies in an amount equal to at least ten percent of the design and construction cost of the monument for deposit in the Fund prior to the beginning of the construction.

Requires the Commission's approval prior to any alteration or modification of an existing monument. Approved alterations or modifications must be completed within two years of approval.

county recorders; social security numbers (S.B. 1169) – Chapter 284

Requires county recorders from counties with populations of over 800,000 persons to redact references to complete nine-digit social security numbers that are or will be available on the county's website. Requires county recorders from counties with populations of less than 800,000 persons to redact references to complete nine-digit social security numbers that are or will be available on the county's website at the request of the holder of the social security number. Allows all county recorders to retain complete social security numbers that are not available on the county's website.

Prohibits the Department of Revenue from printing a taxpayer's complete social security number on any taxpayer refund check, voucher or other credit documentation.

county powers; open fires (S.B. 1198) – Chapter 52

SEE NATURAL RESOURCES & RURAL AFFAIRS COMMITTEE.

~~records redaction; officials; officers~~ (NOW: special plates; initial dates; elimination) (S.B. 1223) – Chapter 251

Removes expired dates in statute regarding the initial establishment of various special license plates. Specifies that the nonprofit corporation that provided the \$32,000 for implementation of the golden rule special license plate will design the golden rule special license plate.

~~homestead exemptions; judgments; child support~~ (NOW: support; maintenance; homestead exemption) (S.B. 1247) – Chapter 194

SEE PUBLIC SAFETY & HUMAN SERVICES COMMITTEE.

~~homeowners' associations; commercial signs~~ (NOW: real property; signage; solar devices) (S.B. 1254) – Chapter 288

Prohibits homeowners' associations (HOAs) from revoking or modifying the approval of commercial signs previously approved by the HOA and stipulates that an HOA may not prohibit the use or installation of a solar energy device.

GOVERNMENT COMMITTEE (Cont'd.)

emergency; confiscation of weapons; prohibition (S.B. 1258) – Chapter 101

Prohibits the Governor, Adjutant General or any other official from placing additional restrictions on the lawful possession, transfer, sale, transportation, carrying, storage, display or use of firearms or ammunition or components thereof during a state of emergency. Allows the Governor, Adjutant General or other official to order the reasonable movement of stores of ammunition out of the way of dangerous conditions.

~~nursing homes; fingerprinting~~ (NOW: DEMA employees; nursing homes; fingerprinting) (S.B. 1316) – Chapter 196

SEE HEALTH COMMITTEE.

recorded liens; invalid documents (S.B. 1328) – Chapter 220

Prohibits, with certain exceptions, the county recorder from recording nonconsensual liens unless the lien is accompanied by the debtor's notarized signature acknowledging the filing and recording of the lien.

~~Arizona statehood centennial commission~~ (NOW: Arizona centennial 2012; commission responsibilities) (S.B. 1433) – Chapter 169

Requires the Arizona Historical Advisory Commission (Commission) to create centennial medallions and issue medals, seals, license plates and certificates of recognition. Increases the maximum potential membership of the Commission to 25 members and adds the Director of the Office of Tourism and the Superintendent of Public Instruction or their respective designees. Caps the price of the medallions at ten percent of the manufacturing costs and exempts the medallions from state and local taxes until the repeal date of the Commission or August 31, 2014. Requires the Department of Weights and Measures to certify the weight and purity of the coins.

performance based incentives program (S.B. 1444) – Chapter 170

Increases the maximum monthly compensation for participants in the Performance Based Incentives Program from \$250 to \$275.

county assessors; procedures (S.B. 1553) – Chapter 104

Modifies the appeals process for the valuation of agricultural land and restricts a government entity from assessing split parcels of land at a higher valuation if the county assessor assessed midway through the year. Requires the county assessor to notify the owner of agricultural land of the reason for disapproval of an appeal within 120 days and applies existing statutory procedures for lands assessed the following valuation year.

notaries; citizenship requirement (S.B. 1639) – Chapter 177

Requires a notary public to be a citizen or a legal permanent resident of the United States.

GOVERNMENT COMMITTEE (Cont'd.)

governor's regulatory review council; continuation (H.B. 2034) – Chapter 85

Retroactive to July 1, 2007, continues the Governor's Regulatory Review Council until June 30, 2017.

reviser's technical corrections; 2007 (H.B. 2035) – Chapter 222

Makes technical corrections to the Arizona Revised Statutes for the 2007 edition.

~~forfeiture of office; technical correction~~ (NOW: construction contract bids; civil penalty) (H.B. 2065) – Chapter 40

Temporarily increases the civil penalties for agents who knowingly violate current statute relating to the bidding of contracts, until July 1, 2009.

Establishes a county and city construction contract bid study process to be used if representatives of a statewide association of contractors, a statewide association of cities and towns and a statewide association of county supervisors agree to work together to study city and county compliance with state laws. Allows the representatives to make recommendations for legislation for introduction in 2008.

~~county officers; technical correction~~ (NOW: county omnibus) (H.B. 2102) – Chapter 268

Allows a county board of supervisors to fix the amount of license fees to be paid by entities for carrying on any game or amusement business in unincorporated areas of the county and to prescribe methods for collection and payment of fees and penalties.

Increases county officers' pay in counties having a population of 500 persons or more.

Defines "trusted submitter" as a person or entity that has entered into a memorandum of understanding regarding digitized recording with a county recorder.

state treasurer; duties (H.B. 2127) – Chapter 10

Requires the State Treasurer to validate and provide, to each agency depositing money, a confirmation that includes the date of the deposit, a unique identifying number, the amount of each deposit and the name of the depositing agency.

Eliminates the requirement that the Treasurer provide duplicate, chronologically ordered receipts that show the source of the money accrued and the funds into which the money will be deposited.

~~open meetings; minutes; redacted information~~ (NOW: open meetings; minutes; recordings) (H.B. 2208) – Chapter 71

Requires all public body subcommittees and advisory committees to take written minutes or record all of their meetings. Requires a subcommittee or advisory committee of a city or town with a population of more than 2,500 persons to post on its website, if applicable, within ten working days of the meeting either a statement describing legal action or a recording of the meeting. Requires public bodies with a population of more than 2,500, except subcommittees and advisory committees,

GOVERNMENT COMMITTEE (Cont'd.)

to post on their website, if applicable, a statement describing the legal actions taken during the meeting or the recording of the meeting within three working days.

homeowners' associations; telecommunications vehicles (H.B. 2254) – Chapter 74

Requires a homeowners' association to allow a resident who is on call and employed by a licensed telecommunications operator to park a company vehicle on a street or driveway in a planned community if the vehicle has a gross weight of 20,000 pounds or less and bears an official emblem or other visible designations of the telecommunications operator.

county graffiti abatement (H.B. 2328) – Chapter 273

Allows a county board of supervisors to adopt and enforce ordinances for the prevention, abatement and removal of graffiti and restricts the retail display of graffiti tools to areas physically and electronically monitored by retail employees.

weights and measures; seized property (H.B. 2390) – Chapter 17

Allows the Department of Weights and Measures to destroy weights, measures or seized devices 180 days after final disposition of an investigation or any ensuing enforcement action or to transfer such items to the Arizona Department of Administration for disposition as state surplus property.

~~licensing eligibility; lawful presence; verification~~ (NOW: public programs; eligibility) (H.B. 2467) – Chapter 275

SEE APPROPRIATIONS COMMITTEE.

~~county improvement districts; roads~~ (NOW: county road districts; alternate government) (H.B. 2486) – Chapter 254

Upon submission of a petition, allows a county board of supervisors to establish a road improvement and maintenance district (road district) to be governed by an elected board of directors (elected board) consisting of at least three people initially appointed by the board of supervisors. Elected board members serve staggered four-year terms.

Prescribes the method for filling a vacancy on the elected board, specifies elected board member compensation and allows the board of supervisors to revoke the authority of an elected board if it lacks a quorum for more than 30 days.

Authorizes the elected board to: 1) create, maintain and improve roads and related infrastructure; 2) acquire, own, control or manage real or personal property necessary or convenient for the construction, operation and maintenance of improvements; 3) sell improvement bonds to the federal government or any of its agencies or departments; and 4) enter into contracts with state and federal entities for the construction or supervision of construction by the state or federal entity, reserving the right of the road district to assess against the property benefited by the improvement the portion of the cost not qualified for aid under a state or federal grant.

GOVERNMENT COMMITTEE (Cont'd.)

Requires petitions for alterations of, and additions to, the road district to be published in a newspaper within the district. All actions related to a proposed boundary change are the responsibility of the elected board and costs for boundary changes may be charged to the petitioners.

Authorizes the board of supervisors to review and comment on, but denies veto authority over, financial transactions of an elected board of a road district and allows the board of supervisors to revoke the authority of an elected board in order to protect the residents of the road district.

Outlines the methods through which a county improvement district may convert to a road district. Provides for the transfer of all assets, liabilities, rights, privileges and powers from the former county improvement district to the road district. Affirms that a person is not relieved of any responsibility to a county improvement district because of its conversion.

Requires roads in a road district to be built to a construction and design standard that costs at least 20 percent of the likely cost of a similar road built to existing county standards, determined by the county engineer, and allows the county to require any roads constructed or improved by a road district to provide an easement for county emergency and service vehicles.

special district amendments (H.B. 2489) – Chapter 216

Makes numerous standardizing changes to special taxing districts, including:

County Improvement Districts – Changes the petitioning requirements to request an addition or alteration of a district to conform to the process for domestic water and wastewater improvement districts. Allows domestic water districts and wastewater districts to set fees, establish liens and bring action to foreclose a lien in superior court.

Pest Abatement Districts – Replaces current petitioning requirements to form a pest abatement district with the petitioning requirements for county improvement districts. Updates information required on the impact statement for the eradication of pests, and eliminates the requirement for the owners of agricultural land to show that they are subject to ongoing pest control, unless the agricultural owners incorporate themselves into the district.

Theme Park and Vehicle Support Facility Districts – Adds members and changes membership requirements for the board of directors. Conditionally repeals the issuance of bonds on December 31, 2013, rather than 2008.

homeowners' associations; cautionary signs (H.B. 2503) – Chapter 82

Disallows a homeowners' association (HOA) from prohibiting cautionary signs pertaining to children if the signs are: 1) used and displayed in residential areas only; 2) removed within one hour of children ceasing to play; 3) only displayed when children are within 50 feet of the cautionary sign; 4) no taller than three feet in height; and 5) professionally manufactured or produced. Specifies that an HOA cannot prohibit children who reside in a planned community from engaging in recreational activities on a residential road under the jurisdiction of the HOA, provided the posted speed limit is 25 miles per hour or less.

GOVERNMENT COMMITTEE (Cont'd.)

state ombudsman; access to records (H.B. 2563) – Chapter 92

Disallows the Ombudsman-Citizens' Aide to access documents protected by the Critical Infrastructure Information Act of 2002 or by 49 Code of Federal Regulations Part 1520 and information classified or defined as critical infrastructure information by the federal government or by state law.

electrical districts; elections and electors (H.B. 2604) – Chapter 108

Lists the qualifications of voters and electors in electrical districts. Also, allows an electrical district to adopt an acreage system of voting, as follows: 1) outlines the process for petitioning that an acreage voting system be adopted; 2) describes how acreage voting must subsequently be conducted once adopted; and 3) conforms current election and qualifications of the district board of directors to the qualifications prescribed in the definition of acreage voting.

improvement districts; surplus funds (H.B. 2636) – Chapter 130

Allows the county treasurer to request, upon dissolution of a county improvement district and on the passage of two years with no activity, that the board of supervisors transfer all or part of any money remaining in any special or general fund of the district to the county general fund for the purposes for which it was collected, if required, or for appropriation for the health, safety and welfare of the general public.

local energy plans (H.B. 2638) – Chapter 236

Requires cities with populations exceeding 50,000 persons and counties with populations exceeding 125,000 persons to include an energy element in their long-range plans that identify: 1) policies that encourage and provide incentives for efficient energy use and 2) policies and practices that provide for greater use of renewable energy in their long-range plans.

justices of the peace; funding (H.B. 2758) – Chapter 237

Requires a county with a population of more than 1.5 million to pay 100 percent of the compensation and employee-related expenditures for a justice of the peace (JP) and reduces the county's contribution for the Arizona Health Care Cost Containment System (AHCCCS) by the amount of the state reimbursement that the county would have received beginning in FY 2007-2008 for JP salaries. It appropriates \$892,400 from the state General Fund in FY 2007-2008 to AHCCCS to offset the reduction. Eliminates the State Treasurer's requirement to deposit state shared revenues otherwise owed to a county but withheld, due to the county's failure to pay its required portion of contributions for the hospitalization and medical care of the indigent sick into the AHCCCS Fund.

Requires the Economic Estimates Commission to increase the county's base expenditure limit in an amount equal to the difference between the total costs that the county paid and the amount the county would have paid prior to the passage of this act and prioritizes county contribution reductions in the following order: 1) as applied for contributions to AHCCCS for administrative costs and 2) as applied to contributions for AHCCCS where the board of supervisors is required to include in its annual budget an amount equal to 50 percent of the amount budgeted by the board or the amount expended, whichever is less, for the hospitalization and medical care of the indigent sick or any other contribution for acute care.

GOVERNMENT COMMITTEE (Cont'd.)

Specifies that JP courts have original jurisdiction over civil traffic offenses unless the offense is filed in a municipal court by a municipal officer, agent or law enforcement officer under contract to that municipality.

national guard; civil liability (H.B. 2765) – Chapter 18

Entitles a member of the National Guard to the same immunity protection given to public employees and law enforcement personnel for acts that occur within the scope of duties of the National Guard and that are performed under a direct order from a commanding officer.

Arizona centennial (H.C.M. 2006)

Requests that the elected officials of cities, towns, counties and Indian tribes in the State of Arizona appoint a centennial committee responsible for identifying and developing legacy projects to commemorate Arizona's centennial.

telecommunications; Native Americans (H.C.M. 2007)

Requests the United States Congress to recognize the rights of tribal governments and communities to exercise regulatory jurisdiction over telecommunications services on tribal lands.

national guard; border defense (H.C.M. 2012)

Requests that the rules of engagement for National Guard troops on the Mexican border be changed to allow soldiers to defend against, engage, pursue and apprehend those entering the United States illegally. Also requests that the National Guard be given a primary enforcement role until the Border Patrol receives its full complement of officers as approved by Congress.

military bases; expressing support (H.C.R. 2041)

Expresses support for enhancing the mission capabilities of Arizona's military facilities and reaffirms the state's commitment to the United States Department of Defense to effectively manage community development and maintain compatible uses to protect the current and future missions of Arizona's military facilities. Reaffirms the Legislature's continued and unqualified support for basing the Joint Strike Fighter Program in Arizona.

LEGISLATION VETOED

homeland security force (S.B. 1132) – VETOED

Creates a Homeland Security Committee (Committee). Requires the Committee to make recommendations regarding the membership and organization of the Homeland Security Force (Force). Establishes the Force to respond to an emergency or to protect lives or property in this state, at the request of the Governor. Defines persons eligible to volunteer for the Force. Appropriates \$10,000 from the state General Fund in FY 2007-2008 to the Governor for administration of the Force.

The Governor indicates in her veto message that S.B. 1132 is redundant because statute already allows for an unorganized militia, and the Governor already has the specific statutory authority to call the unorganized militia into service during times of emergency.

GOVERNMENT COMMITTEE (Cont'd.)

~~criminal justice commission; membership~~ (NOW: homestead exemption; sign display; solar)
(S.B. 1330) – VETOED

SEE JUDICIARY COMMITTEE.

~~county emergency services; permit moratorium~~ (NOW: temporary signage; preemption; abatement)
(H.B. 2369) – VETOED

Defines “sign walkers” and requires municipalities to establish regulations or ordinances that permit the posting, display or use of sign walkers. Requires municipalities to establish a fee, not to exceed \$25, for a 30-day permit that is valid for up to ten sign walkers. Makes it a petty offense, punishable by a fine not to exceed \$150 per sign walker, for violation of the regulations or ordinances. Establishes a Beautification Enhancement Naturalization Fund in all municipalities, and specifies how the monies are to be used. Voids any existing municipal ordinance, rule or regulation that is in violation of the provisions of this bill.

The Governor indicates in her veto message that H.B. 2369 would force municipalities to have regulations allowing sign walkers and would control the fee that municipalities could impose on sign walker permits. The Governor also indicates that the bill is overly broad.

Health Committee

Senator Carolyn Allen, Chairman



Beth Kohler Lazare, Research Analyst
Ariel Serafin, Intern

HEALTH COMMITTEE

LEGISLATION ENACTED

health providers; duty to report (NOW: law enforcement; emergency department cooperation) (S.B. 1015) – Chapter 19

Requires, under certain circumstances, emergency department personnel of a health care institution to provide a copy of a written or electronic report of a person's blood alcohol content, if requested by a law enforcement officer. The law enforcement officer must obtain permission from the emergency department director or the director's designee to speak with the personnel. An emergency department employee is not liable for complying with the law enforcement officer's request unless the employee acts with gross negligence.

burial responsibility (S.B. 1023) – Chapter 94

Establishes a new order of priority for individuals who are responsible for making various types of final arrangements for a deceased person, which excludes a spouse who is legally separated or in the process of obtaining a legal divorce or separation from an individual at the time of the individual's death. Adds a designation regarding funeral arrangements to existing health care power of attorney documents and adds a person designated as a power of attorney to the list of priority.

Allows family members to waive their burial rights by signing a waiver of decision making while an individual is still alive. Specifies procedures for making final arrangements if members who are authorized to make the decisions disagree or are unwilling or unable to act.

Creates an affirmative defense for cemeteries, crematories and funeral establishments regarding the disposition of a body, and allows these establishments to bring action in court to expedite a resolution of a disposition dispute.

insurance; wellness programs; discriminatory practices (S.B. 1098) – Chapter 48

Allows any person or health benefits plan to provide rewards or incentives through a wellness program that meets federal requirements.

revised uniform anatomical gift act (S.B. 1099) – Chapter 281

Repeals existing laws related to anatomical gifts and reenacts new procedures for: 1) making, amending and revoking an anatomical gift; 2) who may receive the gift; and 3) the rights and duties of various organizations as they relate to anatomical gifts. The major provisions include the following:

Applies the same procedures that apply to adult donors to minors who are emancipated or old enough to apply for a driver license. Allows specified designees to make, amend and revoke anatomical gifts during the life of the donor for transplantation, therapy, research or education, subject to the same requirements that apply to decisions made by the donors themselves.

HEALTH COMMITTEE (Cont'd.)

Specifies procedures for the distribution of a gift if the gift does not name a donee. Establishes procedures for when a document of gift conflicts with a living will or health care directive. Maintains the requirement that an organ procurement organization establish a donor registry and requires the Motor Vehicle Division of the Arizona Department of Transportation to cooperate with the organ procurement organization that administers a donor registry to transfer to the donor registry all relevant information regarding a donor's anatomical gift.

Exempts all individuals who act in good faith related to procurement of parts from civil and criminal liability and administrative proceedings. Acts are presumed to be in good faith unless done with intent to maliciously cause injury.

registered nurse practitioners; authority (S.B. 1100) – Chapter 97

Allows a registered nurse practitioner to perform various specific statutorily authorized tasks that were previously limited to a physician.

~~technical correction; hearing~~ (NOW: health care district monies) (S.B. 1123) – Chapter 144

Beginning April 27, 2007, allows the Maricopa County Special Health Care District (District) to appoint a treasurer other than the County Treasurer to manage District monies under specified conditions. If the District meets those conditions and appoints a treasurer other than the County Treasurer, the county must transfer to the District's treasurer all District monies except Arizona Health Care Cost Containment System disproportionate share hospital payments; after that transfer occurs, the County Treasurer is discharged from any further liability for monies paid to the District.

Requires the District, if it does not meet the specified conditions, to use the same bank as the county and County Treasurer and prescribes procedures for the use of District monies.

public safety employees; disease testing (S.B. 1170) – Chapter 33

Broadens the list of individuals who may petition the court for an order to authorize disease testing of another person, living or deceased, to include any public safety employee or volunteer, if there are reasonable grounds to believe an exposure to a disease occurred and the other person bit, scratched, spit or transferred blood or other bodily fluids to the employee or volunteer while that person was conducting official duties.

AHCCCS; trusts (S.B. 1184) – Chapter 157

Allows reimbursement by Medicaid special treatment trusts (STTs) for personal care services provided by a financially responsible relative, limited to the Arizona Health Care Cost Containment System (AHCCCS) fee-for-service rate paid to other providers of personal care services. Requires personal care services provided by all types of providers to be determined medically necessary by the beneficiary's physician rather than a program contractor. Allows STT reimbursement for companion travel expenses of a financially responsible relative. Requires AHCCCS to apply an undue hardship exemption when determining whether to consider a trust's assets and income available to the beneficiary if a trustee violates state law. Requires AHCCCS to consider relevant federal requirements when determining whether STT disbursements violate state or federal requirements for transfers.

HEALTH COMMITTEE (Cont'd.)

birth certificates; delayed registration (S.B. 1205) – Chapter 211

Allows individuals who have been denied a delayed birth certificate by the state registrar to petition the superior or tribal court for an order to establish a record of the person's date and place of birth and parentage. Establishes required elements of the petition and related procedures. Requires the state registrar to create and register a delayed birth certificate if so ordered by the court.

~~nursing homes; fingerprinting~~ (NOW: DEMA employees; nursing homes; fingerprinting) (S.B. 1316) – Chapter 196

Requires applicants for nursing care institution administrator and assisted living facility manager licenses to obtain a valid fingerprint clearance card or provide proof of the submission of an application for a clearance card prior to obtaining a license. Requires those licensees to maintain a valid fingerprint clearance card during their licensure.

Requires Project ChalleNGe employees who have contact with program participants to provide either: 1) a valid fingerprint clearance card or 2) documentation certifying the person has submitted an application for a card and notarized documentation certifying whether the employee is awaiting trial on or has ever been convicted of a criminal offense. Persons who do not have a fingerprint clearance card must apply for one within seven days of hiring. The Department of Emergency and Military Affairs may continue to employ a Project ChalleNGe worker who was hired before the law's effective date and who does not have a fingerprint clearance card, if the employee submits an application for the card within 60 days after the law's effective date and the application is not denied.

telecoil hearing aids; consumer information (S.B. 1348) – Chapter 57

Requires a hearing aid dispenser or audiologist's bill of sale for a hearing aid to contain language that verifies the client has been informed about audio switch technology and the Arizona Telecommunications Equipment Distribution Program. Requires, if the client's device has audio switch technology, the bill of sale to contain information regarding its proper use.

bond issues; health facilities authority (S.B. 1351) – Chapter 198

Allows the governing board of the Arizona Health Facilities Authority to issue bonds on behalf of facilities headquartered outside of this state as long as the issuance of the bonds will benefit Arizona.

optometry; use of pharmaceutical agents (S.B. 1529) – Chapter 59

Allows a licensed optometrist to prescribe all types of antihistamines, rather than specified types. Clarifies that the seven-day limit on an antihistamine prescription applies for each occurrence. Requires an optometrist who prescribes an antihistamine to refer the patient to a physician if the patient's condition does not improve during the first seven days of treatment; removes the existing requirement for a licensed optometrist to request referral from the patient's physician.

HEALTH COMMITTEE (Cont'd.)

county formation; technical correction (NOW: health sciences students; fingerprinting) (H.B. 2021) – Chapter 205

Allows a public or private postsecondary institution's program that requires clinical training in health care facilities as part of the program to require a person to obtain a valid fingerprint clearance card as a condition of acceptance as a health sciences student or as a condition of employment as a clinical assistant. The person may be charged for all costs and fees associated with obtaining and renewing the card. If a person does not possess a required clearance card prior to enrollment or employment, the person must complete a signed and notarized form stating that he or she is not awaiting trial on, has never been convicted of or admitted in court to committing certain offenses, pending receipt of the card. The program may rescind admission, remove from an educational or training program or terminate the employment of any person who does not obtain a valid card.

professions; disciplinary action; continuing education (H.B. 2115) – Chapter 65

Board of Athletic Training – Allows the Board of Athletic Training to waive examination, degree and continuing education requirements under certain circumstances. Limits the authority to use the words “athletic training,” “athletic trainer” or any other words, abbreviations or insignia indicating that athletic training is provided.

Health Professional Continuing Education – Makes numerous changes related to health professional continuing education, including: 1) allowing 18 health profession regulatory boards to issue nondisciplinary orders requiring licensees to complete continuing education; 2) broadening the type of continuing education the Arizona Medical Board may prescribe to include knowledge beyond the necessary understanding of current developments, skills, procedures or treatment; 3) removing the requirement that the Arizona Medical Board use a nondisciplinary order to require the continuing education; 4) providing the Board of Physician Assistants the same authority to require a licensee to complete continuing medical education courses as the Arizona Medical Board; and 5) allowing the Board of Chiropractic Examiners to issue disciplinary orders requiring continued education in addition to the nondisciplinary orders.

county medical examiners (H.B. 2125) – Chapter 213

Makes omnibus changes to statutes related to county medical examiners (MEs). The major provisions include: 1) changing how responsibilities are delegated if a county does not appoint an ME and requiring the appointment of an alternate ME; 2) allowing MEs to delegate certain responsibilities, except autopsies, to qualified persons; 3) providing ME discretion regarding when examinations and autopsies are required, rather than requiring examination and autopsy of all reportable deaths; and 4) requiring autopsies to be performed by forensic pathologists.

small business; uniform health questionnaire (H.B. 2134) – Chapter 67

Establishes the Uniform Health Status Questionnaire Committee (Committee) to develop a uniform health status questionnaire to simplify the health insurance application process for small groups. Requires the Committee to develop a questionnaire by consolidating those currently used by accountable health plans in the state, and requires accountable health plans to use the questionnaire beginning January 1, 2009.

HEALTH COMMITTEE (Cont'd.)

~~pharmacy board; regulation; exempted acts~~ (NOW: controlled substances; monitoring program) (H.B. 2136) – Chapter 269

Establishes a Controlled Substances Prescription Monitoring Program (Program), administered by the Board of Pharmacy (Board) to assist law enforcement agencies in identifying illegal activities related to the prescribing, dispensing and consumption of controlled substances and to provide information to patients, practitioners and pharmacists to help avoid the inappropriate use of controlled substances.

The Program includes a computerized central database tracking system to track the prescribing, dispensing and consumption of Schedule II, III and IV controlled substances dispensed by a medical practitioner or a pharmacy.

Requires specified entities that dispense controlled substances to report information about the dispenser, the prescriber and the person who receives the medication, with certain exceptions. The information must be kept confidential and may only be released to specified entities for specified purposes. Requires, beginning November 1, 2007, medical practitioners who have a federal registration to prescribe controlled substances to also register with the Program. The medical practitioner's individual regulatory board is responsible for enforcing the requirements of the registration.

Allows the Board to transfer up to \$395,795 annually from the Board of Pharmacy Fund to the new Program Fund, established for Program expenses, and allows the Board to apply for grants and accept gifts, grants or donations to fund the Program.

Exempts individuals or entities that comply with reporting requirements from civil liability or other civil relief for reporting the information. Exempts the Board or other entity or individual in proper possession of Program information from civil liability or other legal or equitable relief for specified acts, unless a court of competent jurisdiction finds malice or criminal intent.

~~health care facilities; licensure; exemption~~ (NOW: insurance; wellness programs) (H.B. 2139) – Chapter 113

Allows a group disability insurance plan to offer rewards or incentives through a wellness program that satisfies federal requirements. Allows an individual disability insurance plan to offer rewards or incentives through a wellness program that is equivalent to a program that satisfies federal requirements that exist for other types of insurance plans.

~~prescriptions; emergencies~~ (H.B. 2155) – Chapter 207

Requires the Board of Pharmacy to cooperate to ensure the provision of drugs, devices and services to the public if a natural disaster or terrorist attack occurs and a related state of emergency: 1) results in persons being unable to fill prescriptions in this state or 2) results in individuals being relocated to Arizona from another state and those individuals are unable to fill prescriptions.

Allows a pharmacist to work in an area affected by the emergency and dispense a one-time emergency refill prescription of up to a 30-day supply of a medication as long as the pharmacist follows specified guidelines. The emergency prescription may be refilled one time if the emergency continues for 21 days after the first refill.

HEALTH COMMITTEE (Cont'd.)

Allows a pharmacist licensed in another state who is engaged in a relief effort to dispense prescription medication in an area affected by the state of emergency.

pharmacies; quality assurance (H.B. 2255) – Chapter 121

Requires pharmacies to develop quality assurance programs to address pharmacy medication errors; allows certain existing pharmacy programs to qualify as quality assurance programs. Establishes an advisory committee to advise the Board of Pharmacy regarding quality assurance programs. Stipulates that quality assurance program records are not subject to subpoena or discovery in arbitration or a civil proceeding.

cancer insurance; firefighters; peace officers (H.B. 2268) – Chapter 147

Provides, retroactive to July 1, 2007, coverage for peace officers for expenses incurred in the treatment of certain instances of cancer by making peace officers eligible for the Fire Fighter Cancer Insurance Policy Program (Program). Changes the name of the Program to the Fire Fighter and Peace Officer Cancer Insurance Policy Program.

dental board; licensure by credential (H.B. 2360) – Chapter 125

Requires an examination to be approved by the Board of Dental Examiners before it may be used to satisfy requirements for a dentist or dental hygienist license by credential.

dispensers; audiologists; speech-language pathologists (H.B. 2439) – Chapter 127

Makes numerous changes to audiologist licensure requirements. The major provisions include:

Audiologist Licensure Requirements – For licensure as an audiologist or dispensing audiologist: 1) changes the educational requirement from a master's degree to a doctoral degree; 2) changes the supervised experience requirement from a clinical practicum to clinical rotations; and 3) eliminates the requirement of postgraduate audiology professional experience.

Grandfathering and Waivers – Allows individuals who received a master's degree prior to December 31, 2007, to be licensed as a dispensing audiologist if they meet specified requirements. Requires the Department of Health Services to waive the education and clinical rotation requirements for an audiologist or dispensing audiologist license under certain circumstances.

Continuing Education Requirements – Increases the annual continuing education requirements for license renewal for a hearing aid dispenser, audiologist and speech-language pathologist. Requires individuals reapplying for a regular license to provide proof of completion of the continuing education requirements within 12 months of reapplying. Limits to four the number of hours that courses sponsored by a single hearing aid manufacturer may be used to satisfy audiologist and hearing aid dispenser continuing education requirements.

Advisory Committee – Adds a member of the Arizona Commission for the Deaf and the Hard of Hearing to the advisory committee that oversees licensure of audiologists, speech-language pathologists and hearing aid dispensers. Restructures the responsibilities of the advisory committee.

HEALTH COMMITTEE (Cont'd.)

~~joint underwriting and reinsurance organizations~~ (NOW: rural general hospital; intensive care)
(H.B. 2454) – Chapter 128

Allows a rural general hospital to provide intensive care services.

osteopathic board; continuation (H.B. 2517) – Chapter 46

Retroactive to July 1, 2007, continues the Board of Osteopathic Examiners in Medicine and Surgery until July 1, 2017.

respiratory care board; continuation (H.B. 2518) – Chapter 107

Retroactive to July 1, 2007, continues the Board of Respiratory Care Examiners until July 1, 2017.

in-home care providers study committee (H.B. 2587) – Chapter 235

Establishes the In-Home Care Providers Study Committee (Committee) and prescribes its membership. Requires the Committee to make recommendations on the appropriate level of regulation for in-home care providers, as well as training and education requirements and the need for background checks. Requires the Committee to report its findings and recommendations by August 31, 2008.

~~health and welfare; budget reconciliation~~ (NOW: budget reconciliation; health and welfare)
(H.B. 2789) – Chapter 263

SEE APPROPRIATIONS COMMITTEE.

Higher Education Committee

Senator Tom O'Halleran, Chairman



Dawn Nazary, Research Analyst

Sabrina Vazquez, Intern

HIGHER EDUCATION COMMITTEE

LEGISLATION ENACTED

~~schools; dual enrollment reforms~~ (NOW: dual enrollment reforms; community colleges) (S.B. 1068) – Chapter 229

Makes numerous changes to dual enrollment statutes. The major provisions include:

Admission Requirements – Broadens the community college admission requirements for students under the age of 18, exempting home school students and students enrolled in vocational courses, to include completion of course requisites and one of the following: 1) minimum composite scores on either the Preliminary Scholastic Aptitude Test, Scholastic Aptitude Test, American College Test or the Arizona Instrument to Measure Standards Test; 2) college placement test; or 3) high school graduation or certificate of equivalency.

Intergovernmental Agreements (IGAs) – Requires, beginning for school year 2008-2009, the IGAs entered into by the community colleges and the K-12 schools to be uniform in format and to include: 1) financial provisions and billing; 2) distribution of full-time student equivalent funding; 3) student tuition and financial aid policies; 4) types of academic instruction and courses; and 5) responsibilities, services and accountability required.

Reporting – Delays the reporting date of the annual report submitted to the Joint Legislative Budget Committee (JLBC) from September 1 to October 1 and expands the report to include: 1) a listing of faculty advisory committee members; 2) scholarship and grant awards; 3) course level data; 4) IGA addendums; and 5) itemized actual program costs. Requires the JLBC by August 1 to notify each community college district to report a specified percentage of its executed IGAs to the JLBC by October 1.

Ad Hoc Committee – Allows, instead of requires, the JLBC to convene an ad hoc committee every two years.

postsecondary education grants; implementation (S.B. 1069) – Chapter 280

Makes numerous changes to the Postsecondary Education Grant (PEG) and creates the Early Graduation Scholarship Program (Program). The major provisions include:

Postsecondary Education Grant – Modifies the PEG eligibility requirements so that the student must only meet one of the following: 1) graduation from an in-state private or public high school; 2) completion of the equivalent of grade 12 in a home school program; 3) attainment of a general equivalency diploma; 4) current residency and a resident for the past year; and 5) member or spouse or dependent of a member of the United States armed forces. Expands the PEG eligibility requirements to include proof of high school graduation. Excludes an employee of a private postsecondary institution from receiving the PEG if the employee is eligible for a tuition reimbursement or waiver as an employment benefit.

Early Graduation Scholarship Program – Creates the Program at each school district or charter high school to provide scholarships to eligible pupils for in-state private or public postsecondary instruction. An eligible pupil may receive a sum of \$2,000 over two academic years,

HIGHER EDUCATION COMMITTEE (Cont'd.)

or the actual costs for tuition, books and fees, whichever is less, if the pupil graduates at least one year early, or up to \$1,500 if a pupil graduates at least one semester early. To qualify, a student must: 1) graduate at least one semester early; 2) pass the high school Arizona Instrument to Measure Standards test; 3) be a current resident and a resident for the last 12 months; 4) provide an invoice detailing the cost of tuition, books and fees; 5) complete a free application for student aid; and 6) sign a promissory note to repay the full scholarship amount if the pupil is not in good academic standing or no longer enrolled in postsecondary instruction. The school district or charter school continues to receive annual per pupil funding for the pupil until the pupil's scheduled graduation date, of which a specified amount is deposited into the Early Graduation Scholarship Fund to be used for scholarship awards and up to five percent for expenses incurred by the Arizona Commission for Postsecondary Education to implement and administer the program. Allows the pupil to participate at no cost in extracurricular activities until the pupil's scheduled graduation date and high school graduation ceremonies.

provisional community college districts; continuation (H.B. 2193) – Chapter 13

Removes the termination date of July 1, 2009, for the provisional community college district program.

~~higher education; budget reconciliation~~ (NOW: budget reconciliation; higher education) (H.B. 2791) – Chapter 265

SEE APPROPRIATIONS COMMITTEE.

LEGISLATION VETOED

~~parking agreements; technical correction~~ (NOW: early graduation scholarship program; funding) (S.B. 1183) – VETOED

SEE EDUCATION K-12 COMMITTEE.

Judiciary Committee

Senator Chuck Gray, Chairman



Christina Estes-Werther, Research Analyst

Ryan DeMenna, Assistant Analyst

Heather Owens, Intern

JUDICIARY COMMITTEE

LEGISLATION ENACTED

serious offenses; consecutive sentencing (S.B. 1020) – Chapter 20

Requires consecutive sentencing for a felony offense that is committed while the person is under the jurisdiction of the Arizona Department of Corrections.

Arizona criminal justice commission; continuation (S.B. 1039) – Chapter 21

Retroactive to July 1, 2007, continues the Arizona Criminal Justice Commission until July 1, 2017.

notification; breach of security system (S.B. 1042) – Chapter 23

Allows federal law enforcement agencies to delay notification of a business' compromised security if notification will impede a criminal investigation.

theft; means of transportation; affidavit (S.B. 1043) – Chapter 24

Requires a person who alleges vehicle theft to sign an affidavit provided by law enforcement and, if the report is not taken in person, to return a notarized affidavit to the law enforcement agency within seven days. Requires the affidavit to state that a person who falsely reports vehicle theft may be subject to criminal prosecution. Requires the stolen vehicle report to be removed from the National Crime Information Center and the Arizona Criminal Justice Information System if the law enforcement agency does not receive the affidavit within 30 days of the initial report.

arbitration; claims; compensation (S.B. 1054) – Chapter 142

Allows the superior court by rule to increase: 1) the maximum amount in dispute, from \$50,000 to \$65,000, that must be submitted to arbitration and 2) the maximum allowed daily pay of an arbitrator from \$75 to \$140. Requires the deposit for a trial de novo to be refunded to the appellant if the new judgment is at least 23 percent, rather than 25 percent, more favorable than the original arbitration award.

aggravated assault (S.B. 1084) – Chapter 47

Makes technical revisions to the aggravated assault classifications.

liquefied petroleum gas; limited liability. (S.B. 1106) – Chapter 152

Limits the civil liability of a liquefied petroleum gas provider (provider) to the amount of damages proportionate to the provider's percentage of fault. A provider is not civilly liable for the amount of damages allocated to fault attributed to an unforeseen or undiscoverable alteration or modification of liquefied petroleum gas equipment by a person other than the provider or the unanticipated use of the equipment if the consumer was warned of the dangers of misusing the equipment.

JUDICIARY COMMITTEE (Cont'd.)

appellate proceedings; victim notification; continuation (S.B. 1126) – Chapter 49

Makes permanent a law passed in 2005 that allows a victim to respond to a party's request for an extension of time to file a brief for an appellate proceeding or a postconviction relief proceeding in a capital case.

competency reports; disclosure (S.B. 1130) – Chapter 134

Authorizes the court to open sealed juvenile and adult competency reports for the purposes of assessment and supervision or monitoring by the Arizona Department of Corrections (ADC), if the juvenile or adult is in the custody of or will be transferred into the custody of ADC.

bad checks; classification (S.B. 1134) – Chapter 282

Classifies bad check writing in the amount of \$5,000 or more as a class 6 felony if the full amount of the check, including any interest and applicable fees, is not paid within 60 days of receiving notice. Allows for the prosecution of criminal offenses in addition to bad check writing, if applicable.

criminal case information; disclosure (S.B. 1167) – Chapter 192

Beginning January 1, 2008, requires the clerk of the court in a county with a population of two million or more to publish online all superior court criminal case minute entries, searchable by case name, number and the name of the judge or commissioner. Beginning January 1, 2010, requires the clerk of the court in a county with a population of less than two million to publish online all superior court criminal case minute entries, searchable by case name, number and the name of the judge or commissioner.

global position system monitoring; committee (S.B. 1231) – Chapter 54

Establishes the 13-member Joint Legislative Study Committee on Global Position System (GPS) Monitoring (Committee) to study issues relating to GPS monitoring of persons convicted of dangerous crimes against children. Requires the Committee to report its findings and recommendations to the Governor and the Legislature by December 1, 2008, and repeals the Committee on October 1, 2009.

concealed weapons permit; renewal. (S.B. 1250) – Chapter 35

Beginning January 1, 2008, removes the fingerprint requirement to renew a concealed weapon permit.

~~VOIP service; emergency telecommunication services~~ (NOW: bailable offenses; illegal immigration) (S.B. 1265) – Chapter 289

Establishes procedures to determine the citizenship of a person charged with nonbailable offenses. Specifies, if a person has been charged with a serious felony offense, probable cause as the burden of proof to determine if a person has entered or remained in the U.S. illegally. Specifies that the initial determination of whether certain offenses are bailable is made at the initial appearance. Specifies notice requirements for victims and witnesses.

JUDICIARY COMMITTEE (Cont'd.)

victims' rights omnibus (S.B. 1286) – Chapter 290

Modifies restitution procedures as follows: 1) requires adult probation officers to monitor the payment of restitution; 2) requires the clerk of the court to provide monthly notification if the defendant defaults on the restitution payment; and 3) increases the time the court may extend a person's probation term for failure to satisfy restitution. Beginning, January 1, 2008, modifies the language on an order of protection. Requires reasonable notification efforts to the victim and other designated persons immediately upon release of a person arrested for violating an order of protection. Establishes victim notification guidelines and court procedures for continuance motions. Requires the court to provide a victim a free copy of the minute entry or portion of the record of any proceeding reasonably necessary to pursue a claimed victim's right. Requires redaction of a victim's contact and identifying information in publicly accessible records, with exceptions. Requires the victim's consent for a crime victim advocate to disclose victim information with others in order to provide services. Requires, beginning December 1, 2007, the Supreme Court or Court of Appeals to give to a victim or victim's counsel who requests notice of all postconviction proceedings a copy of a memorandum decision or opinion concurrently with the parties. Repeals the law that allows the continuation of a victim to respond to a request for an extension to the time frame for filing a brief in any appellate proceeding or postconviction relief proceeding in a capital case.

~~statute of limitations; DNA evidence~~ (NOW: concurrent jurisdiction; Barry Goldwater range (S.B. 1326) – Chapter 197

Grants, through December 31, 2017, concurrent criminal jurisdiction of the Barry M. Goldwater Range to the United States effective on the completion of a memorandum of understanding with the county sheriff of the territory that addresses lead investigative agency responsibilities on specific crimes and other coordinating matters.

criminal justice commission; powers; duties (S.B. 1331) – Chapter 163

Makes numerous technical changes to the Arizona Criminal Justice Commission's (ACJC) enabling statutes, including requiring ACJC to facilitate research and data exchange among criminal justice agencies, changing, from annual to biennial, the Criminal Justice Information System (System) review report requirement, and gathering information on programs regarding crime prevention as well as alcohol and drug abuse prevention, education and treatment. Returns the System database functions to the Department of Public Safety (DPS) and outlines DPS' responsibilities in maintaining the System.

shoplifting; continuing criminal episode (S.B. 1333) – Chapter 164

Creates an additional presumption of a person's necessary culpable mental state to commit shoplifting if the person uses an artifice, instrument, container, device or other article to facilitate shoplifting. Removes the provision that shoplifting having entered a mercantile establishment with an artifice is a class 4 felony. Redefines a "continuing criminal episode" as theft of property with a value of \$1,500 or more if the theft is committed during at least three separate incidences within a period of 90 consecutive days with the intent to resell the property.

elections; primary date; early voting (S.B. 1430) – Chapter 168

Changes elections law by: 1) expanding by one week the time between a primary election and a general election; 2) requiring a person to file a nomination paper 50 days, rather than 40 days,

JUDICIARY COMMITTEE (Cont'd.)

before the presidential preference election; 3) extending by 11 days the time for a person to vote early and request an early ballot; and 4) decreasing to 23 days next preceding the Saturday before the election to mail the early ballot.

juries; commissioner duties; juror selection (S.B. 1434) – Chapter 199

Beginning January 1, 2008, changes jury trial procedures by providing for all of the following. Specifies the jury commissioner duties. Details juror qualifications and summoning. Expands the jury manager requirements. Specifies that juror summoning procedures must be constitutional and approved by the Supreme Court and any proposed alternative juror summoning procedures may consider juror distance and travel as long as the procedures are countywide, constitutional and include a fair cross section of the community. Specifies disclosure and dissemination restrictions of juror records containing biographical information and the jury box seating list. Allows programming to ensure random selection procedures for use by the courts throughout the juror selection process. Specifies that a jury commissioner or jury manager responsibilities include the determination of a person's qualification for jury service, excuses and postponements.

psychiatric security review board (S.B. 1482) – Chapter 138

Requires, for a person found guilty except insane, the court to first sentence the defendant to a term of incarceration under the Arizona Department of Corrections (ADC) before the defendant is placed under the jurisdiction of the Psychiatric Security Review Board (Board) and committed to a state mental health facility. The court retains jurisdiction of all matters not specifically delegated to the Board. Requires the Board, with consideration of the safety and protection of the public, to transfer the person to ADC for the remainder of the sentence upon determination that the person sentenced pursuant to a dangerous and repetitive offense no longer needs ongoing treatment for a mental disease but is dangerous or has a propensity to reoffend. Allows a person transferred to ADC to file a petition for a judicial determination after the Board orders the transfer and specifies the person requesting the judicial determination has the burden to prove by clear and convincing evidence that the person no longer needs ongoing treatment for a mental disease and the person is not dangerous or has a propensity to reoffend.

residency restrictions; schools; child care (S.B. 1555) – Chapter 212

Prohibits a person convicted of a dangerous crime against children (DCAC) who is required to register as a level 3 sex offender from residing within 1,000 feet of a school or a child care facility, unless the person: 1) establishes residency before the restrictions are enacted or before a new school or child care facility is built; 2) is a minor; 3) is serving probation; 4) has had the person's civil rights restored; or 5) has not been convicted of a subsequent offense in the previous ten years, excluding any time of incarceration. Prohibits a county, city or town from enacting an ordinance that creates distance restrictions greater than 1,000 feet. A person who violates the residency restrictions is guilty of a class 1 misdemeanor.

prisoners; restitution payments (S.B. 1619) – Chapter 140

SEE APPROPRIATIONS COMMITTEE.

JUDICIARY COMMITTEE (Cont'd.)

elections; manual audit revisions (S.B. 1623) – Chapter 295

Changes election law regarding the random selection hand counting procedure for each countywide primary, general and presidential preference election. Creates criminal penalties for a person who knowingly substitutes, forges, counterfeits or tampers with ballot tabulations or totals or election results by electronic or computer means and a person who unlawfully releases early ballot vote tallies or possesses an early ballot tally sheet without authorization. Establishes procedures for the live video recording and transmission of ballot tabulation for statewide, county or legislative elections, contingent on legislative appropriation.

~~state employees; recognition; technical correction~~ (NOW: material witness; release; detention; deposition) (H.B. 2016) – Chapter 178

Allows the temporary detainment of a person whose testimony is material to a criminal proceeding involving human smuggling if it is shown that it may become impracticable to secure the presence of the person because of the person's immigration status. Prohibits detainment of a witness for more than 24 hours unless a prescribed affidavit is filed with the court and disallows detainment because of the inability of the witness to comply with any condition of release if the testimony of the witness can be secured adequately by deposition and further detention of the witness is not necessary to prevent a failure of justice. Permits the release of a material witness to be delayed for a reasonable period of time until the deposition of the witness can be taken and allows the immediate release of a material witness after signing the deposition under oath, waiving the signature or otherwise affirming the factual accuracy of the matters set forth in the deposition. Allows juvenile and adult material witnesses to be separately detained from charged or convicted persons. Permits the examination of the material witness who is not the defendant or the victim and allows the witness to be detained for up to seven days after entry of the order unless at any time during the detainment it becomes reasonably feasible to conduct the examination. Allows a deposition to be admitted as evidence at the trial or any pretrial proceeding in accordance with the Constitution and the Arizona Rules of Criminal Procedure.

~~constables; technical correction~~ (NOW: critical infrastructure information; penalty) (H.B. 2067) – Chapter 223

Redefines critical infrastructure information (CII) and assigns a class 5 felony to any state or local governmental employee and any entity who knowingly publishes, divulges, discloses or makes known any CII that the person knows is protected from disclosure.

writ of restitution; criminal trespass (H.B. 2077) – Chapter 111

Specifies that a defendant commits criminal trespass in the third degree if the defendant has been served with a writ of restitution but remains in or returns to the dwelling unit, mobile home space or recreational vehicle space, without the express permission of the owner. Requires the court to give notice to a defendant that this is third degree criminal trespass. Prohibits a defendant's social security number from being contained on the judgment.

~~campaign finance; technical correction~~ (NOW: ballots; permanent early voting) (H.B. 2106) – Chapter 183

Changes election law with regard to filing dates for: 1) the nomination paper in a presidential preference election (PPE) and for write-in candidates in a special district election; 2) the time frame

JUDICIARY COMMITTEE (Cont'd.)

of PPE early voting and the deadlines to request an official early ballot; and 3) the list of PPE candidates who have qualified for the presidential preference ballot to be sent to absent uniformed services voters or overseas voters.

Requires, upon application or written request, the county recorder or other officer in charge of elections to maintain a permanent early voting list (list). Requires the county recorder or other officer in charge of elections to: 1) compare the signature on the voter request form with the voter's signature on the registration form; 2) mail to all eligible voters on the list an election notice by nonforwardable mail that is marked to receive an address correction notification along with return postage prepaid; 3) take the necessary steps to contact a voter if the election notice is returned undeliverable and to move the voter to inactive status; and 4) automatically mail an early ballot unless the voter requests removal from the list, the voter is on inactive status or the election notice is returned undeliverable and the voter is unable to be contacted. Specifies procedures for a voter on the list who is not a registered member of a recognized political party to receive an early ballot for the primary election. Requires that a ballot not be mailed to a voter who has made a request not to receive a ballot and the voter's name to be removed from the list upon a voter's written request.

unlawful sexual conduct involving prisoners (H.B. 2342) – Chapter 248

Beginning June 13, 2007, expands the list of those who commit unlawful sexual conduct by engaging in any act of a sexual nature with an offender who is in the custody of a correctional facility and defines "any act of a sexual nature."

Requires the sentence imposed on a person convicted of sex trafficking to be consecutive to any other sentence imposed on the person.

Expands the definition of "prostitution" to include money or any valuable consideration as a fee arrangement. Specifies a probation term and presumptive, aggravated and mitigated terms of imprisonment for a person convicted of child prostitution with a minor who is 15, 16 or 17 years of age.

Classifies luring a minor for sexual exploitation as a dangerous crime against children and specifies a presumptive term of imprisonment based on a previous conviction of a predicate felony.

Increases the time period to determine if driving under the influence of intoxicating liquor or drug offenses constitutes a historical prior felony conviction.

juvenile graffiti; monetary assessment (H.B. 2344) – Chapter 124

Requires the court to order a juvenile who has been adjudicated delinquent for a violation of criminal damage involving graffiti to pay a fine of at least \$300 but not more than \$1,000, following payment of restitution to the victim. Permits the court to order the juvenile to perform community restitution, for all or part of the fine, to be credited at a rate of \$10 per hour.

~~residential contractors' recovery fund~~ (NOW: expenditure limitation election) (H.B. 2392) – Chapter 241

Permits a city or town with a population of 350,000 or more that must hold an expenditure limitation election in 2007 or 2008 to hold the election on specified dates; this will allow the City of Mesa to hold its expenditure limitation election in the spring of 2008. Requires, if the city or town

JUDICIARY COMMITTEE (Cont'd.)

fails to hold the expenditure limitation election on the specified dates, the city or town to hold its next election to adopt, renew or extend an expenditure limitation or a base limit adjustment at the next regularly scheduled governing board election. Requires, if the city or town fails to comply, the Auditor General to notify the State Treasurer by January 1, 2012, to withhold a specified portion of state income tax revenue sharing from the city or town.

concealed weapons; petty offense (H.B. 2469) – Chapter 45

Reduces to a petty offense the penalty for a person with a concealed weapon permit who, when carrying the concealed weapon, fails to present the permit when requested by a law enforcement officer.

~~justice courts; concurrent jurisdiction limits~~ (NOW: capitol police compensation) (H.B. 2474) – Chapter 129

Requires a Capitol Police officer to be compensated for each hour worked in excess of 40 hours in one work week. Clarifies that members of the Arizona Department of Administration Capitol Police Reserve are eligible for workers' compensation except when employed by someone other than the state and specifies the basis for computing compensation.

clean elections; amendments (H.B. 2690) – Chapter 277

Changes election law by updating and increasing contribution limits. Changes clean elections law as follows: 1) increases the primary election spending limits of the candidates for statewide office; 2) exempts a nonparticipating candidate from filing expenditure reports if unopposed by a participating candidate; 3) repeals the annual lobbyist fee, which was declared unconstitutional; 4) changes the verification process for qualified reporting slips; 5) reduces a participating candidate's payment and deducts expenditures from an independent or nonparticipating candidate by specified factors in the primary and general election periods; 6) requires the return of clean elections monies and assets by a participating candidate who does not qualify for the primary election ballot; 7) modifies the vacancy procedures for Clean Elections Commissioner positions; and 8) makes changes to the use of a reporting system, the filing of external complaints and the Citizens Clean Election Commission (Commission) rulemaking. Contains a nonseverability clause that specifies that if any portion of this act is finally adjudicated invalid, the entire act is void. Portions of the bill concerning qualification for clean campaign funding, return of monies to the Citizens Clean Elections Fund, spending and contribution limits, lobbyist fee, equal funding of candidates, the Commission, voter education and enforcement duties, filing and definitions are subject to the requirements for enactment for initiatives and referendums (Proposition 105), which require the affirmative vote of at least three-fourths of the members of each house of the Legislature.

sex offenders; registration; electronic identity (H.B. 2734) – Chapter 84

Requires persons registered as sex offenders to also register with the Department of Public Safety (DPS) any online identifier and the name of any website or other Internet service where the identifier is used and to notify the county sheriff within 72 hours, excluding weekends and legal holidays, after changing any required online identifier and before using it online. Requires DPS to maintain a separate database and search function on its website that contains any required online identifier of persons who are registered as level 2 or 3 sex offenders and the name of any website on which the identifier is used. Allows DPS to share online identifier information with a business or organization that provides electronic communication services to determine if a registered sex

JUDICIARY COMMITTEE (Cont'd.)

offender's online identifier is being used on the organization's website. Becomes effective on January 1, 2008.

justice courts; collocation prohibition (NOW: justices of the peace; jurisdiction) (H.B. 2750) – Chapter 131

Gives justice of the peace (JP) courts exclusive original jurisdiction of all civil actions of \$10,000 or less; eliminates the concurrent original jurisdiction between the JP courts and superior courts for civil actions between \$5,000 and \$10,000. Stipulates that in a county with a population greater than two million persons, the JP has original jurisdiction over: 1) actions involving \$10,000 or less; 2) small claims; 3) civil traffic offenses, unless filed in a municipal court; 4) special detainers and forcible detainers, if the amount of rent requested is \$10,000 or less; and 5) misdemeanors, unless filed in a municipal court or consolidated with a felony offense.

criminal justice; budget reconciliation (NOW: budget reconciliation; criminal justice) (H.B. 2787) – Chapter 261

SEE APPROPRIATIONS COMMITTEE.

LEGISLATION VETOED

jury duty exemption; cognitive disability (NOW: applicability; self-defense) (S.B. 1166) – VETOED

Applies, retroactively, specified statutory changes relating to justification defenses to all cases in which the defendant did not plead guilty or no contest that were submitted to the fact finder after April 24, 2006. States that the Legislature intended to make Laws 2006, Chapter 199, effective retroactively to all cases in which the defendant did not plead guilty or no contest in cases that were pending at the time it was signed into law by the Governor on April 24, 2006, regardless of when the conduct underlying the charges occurred.

The Governor indicates in her veto message that proponents of S.B. 1166 underestimated the number of cases that would have to be retried and that a retrial of a serious criminal would force the victims of the crime to again relive their experience. Further, the Governor states that the bill raises equal protection concerns because it unfairly differentiates between defendants who entered into plea agreements and those who did not. The Governor states that it is important when the Legislature intends for a bill to be applied retroactively, it make that intent evident at the time it passes legislation.

sex offenders; monitoring; probation (S.B. 1228) – VETOED

Limits mandatory global position system (GPS) monitoring to persons convicted of a dangerous crime against children to persons categorized as level 3 sex offenders who are on probation. Exempts probationers who are confined to a correctional facility, detention facility or residential treatment center.

In her veto message, the Governor states that she is not prepared to narrow the categories of persons subject to GPS monitoring until presented with more compelling evidence that doing so will not be harmful to children. The Governor indicates that she would like to wait until the work of the Joint Legislative Study Committee on GPS Monitoring is complete before limiting the scope of GPS monitoring.

JUDICIARY COMMITTEE (Cont'd.)

criminal appeal rights (NOW: consular cards; valid identification; prohibition) (S.B. 1236) – VETOED

Restricts this state or any of its political subdivisions from accepting a consular identification card issued by a foreign government as a valid form of identification.

In her veto letter, the Governor indicates S.B. 1236 inhibits Arizona law enforcement officers' ability to confirm the identities of foreign nationals. Additionally, the letter stipulates that this may further encourage foreign nationals to try to obtain forged documents, including social security cards.

deadly weapons; storage (S.B. 1251) – VETOED

Authorizes the operator of a public establishment (operator) or a sponsor of a public event (sponsor) to request that a person who is carrying a deadly weapon remove the weapon only if the operator or sponsor provides temporary and secure storage for the weapon. Establishes storage procedures. Stipulates that the fee for a concealed carry weapons (CCW) permit may not exceed \$65, and specifies that peace officers may carry firearms if they are in compliance with the Arizona Peace Officer Standards and Training Board.

In her veto message, the Governor states that the current weapons storage laws have been successfully implemented and it is too soon to consider changes. She also expresses that it is unwise to cap the fee charged by the Department of Public Safety (DPS) for a CCW permit because DPS must be able to charge a fee to cover the costs of running background checks. However, the Governor indicates that she supports clarifying the rights of qualified peace officers to carry weapons, and she suggests that the Legislature pass this legislation next session.

misconduct involving weapons; exception. (S.B. 1301) – VETOED

Exempts a person from the offense of misconduct involving a deadly weapon relating to knowingly carrying a concealed weapon without a concealed carry weapons (CCW) permit if any of the following apply: 1) any portion of the weapon or the holster, case or scabbard in which the weapon is carried is visible; 2) a person is on any real property that the person wholly or partially rents, including any common areas; 3) a person is in or on a means of transportation while at the person's dwelling, on the person's business premises or on any real property that the person wholly or partially owns, leases or rents, including common areas.

The Governor indicates in her veto message that she objects to the section of the bill that would allow weapons to be carried without a CCW permit if any portion of the weapon is visible. She states that a small corner of the handle of a gun may be insufficient to reasonably notify the public and law enforcement that a person is armed. The Governor also states that gun owners should get a permit in order to carry concealed weapons in common areas of buildings, and expresses that it is not in the best interest of Arizonans to allow persons who have not met the qualification requirements for a CCW permit to carry concealed weapons in office parking lots or other common areas.

self-defense; home protection; applicability (S.B. 1302) – VETOED

An emergency measure that applies, retroactively, specified statutory changes relating to justification defenses that were enacted as an emergency measure in 2006 to all cases pending at the

JUDICIARY COMMITTEE (Cont'd.)

time the changes were enacted. States that the Legislature intended to make Laws 2006, Chapter 199, effective to all cases pending at the time it was signed into law by the Governor on April 24, 2006.

The Governor indicates in her veto message that S.B. 1302 would lead to the reopening of a large number of cases, including routine cases in which a criminal has already pled guilty. The Governor also indicates that victims' rights groups have stated that it is unfair to crime victims to reopen cases where a criminal has already pled guilty.

~~criminal justice commission; membership~~ (NOW: homestead exemption; sign display; solar) (S.B. 1330) – VETOED

Applies the homestead exemption to homeowners' association (HOA) liens, prohibits an HOA from banning for-sale signs or solar energy devices and establishes that the personal property exemption includes monies from the cash surrender value of life insurance policies that have been owned for at least two years and name a trust as the beneficiary.

In her veto letter, the Governor indicates that S.B. 1330 violates the single subject rule.

misconduct involving weapons; classification. (S.B. 1629) – VETOED

Lowers the penalty for a violation of carrying a concealed deadly weapon without a concealed carry weapons (CCW) permit from a class 1 misdemeanor to a petty offense, unless it occurs in the commission or attempted commission of a serious offense or violent crime, in which case it is a class 6 felony, or if it occurs in the commission of any other felony offense, in which case it remains a class 1 misdemeanor. Prohibits the forfeiture of a weapon from a person convicted of a petty offense for carrying a concealed weapon without a CCW permit and allows a peace officer to carry a firearm, with specified exceptions, if the officer is in compliance with the Arizona Peace Officer Standards and Training Board.

The Governor states in her veto message that lawful gun owners who wish to carry concealed weapons should comply with laws regarding CCW permits. She states that serious criminals often carry concealed weapons without the required permit, and she expresses concern that without tough penalties against such persons, law enforcement would be deprived of an important tool. The Governor concludes that the current penalties help keep citizens and law enforcement officers safe and that relaxing the penalties is not in the best interest of Arizona.

election law revisions (H.B. 2403) – VETOED

Changes the primary and general special election dates for a vacancy in the office of United States senator or representative. Changes early ballot registration, delivery of early ballots and procedures upon receipt of an insufficient early ballot affidavit. Requires presidential preference election ballots to be tabulated by counties rather than congressional districts. Removes the Secretary of State's requirement to return each computer election program tape or disc or any other material to the county, city or town within six months after an election. Establishes procedural requirements for political committees.

The Governor indicates in her veto message that she disagrees with the portion of H.B. 2403 that would have extended Arizona's time period for special elections to fill congressional vacancies

JUDICIARY COMMITTEE (Cont'd.)

to between 170 and 184 days and that such a time period is too long for Arizonans to go without congressional representation.

criminal trespass; day laborers (H.B. 2589) – VETOED

Prohibits persons 18 years of age or older from soliciting employment for themselves or others while standing or remaining unlawfully on either: 1) any public highway, public street or adjacent public property and disrupting vehicle or pedestrian traffic or 2) any private property if there is reasonable notice prohibiting entry or after a reasonable request to leave has been made by the owner or any other person having lawful control over the property.

The Governor indicates in her veto message that H.B. 2589 is vague, overbroad and discriminatory. The Governor states that she recognizes the need to stop unlawful employment practices that fuel demand for illegal immigration; however, working Arizonans willing to “pound the pavement” to find lawful work should not be subject to criminal penalties. The Governor also expresses concern that H.B. 2589 would be found unconstitutional as it allows such solicitations by persons under 18 years of age and notes that there is no rational basis for discriminating on the basis of age for this type of conduct.

Natural Resources & Rural Affairs Committee

Senator Jake Flake, Chairman



Megan Gnagy, Research Analyst
Jennifer O'Connor, Intern

NATURAL RESOURCES & RURAL AFFAIRS COMMITTEE

LEGISLATION ENACTED

waste tire disposal (S.B. 1083) – Chapter 31

Extends the repeal date for the fee on new tire sales and the Waste Tire Fund and Waste Tire Program from December 31, 2007, to December 31, 2017.

toxic fire response (S.B. 1112) – Chapter 153

Establishes an Arizona Chemical Fire Response Coordination Task Force (Task Force) consisting of the fire chief, or the fire chief's designee, from each Arizona municipality with a population of 75,000 persons or more. Requires the Task Force to perform certain duties including establishing a municipal hazardous material tracking process program for commercial and industrial buildings, ensuring the transfer of key information between entities, and creating an inventory procedure that provides quarterly updates and an annual report for buildings that are required to be tracked. The Department of Health Services (DHS) must coordinate public health and risk assessment issues related to a chemical or other toxic fire event on request from an incident commander, the Emergency Response Commission or the Department of Public Safety, if funding is available. As well, in consultation with the Arizona Poison Control System, DHS must inform the public as to potential public health risks from the environmental exposure. The Department of Environmental Quality is required to assist at a significant chemical or other toxic fire event to collect samples and prepare a report with test results of those samples. Repeals the Task Force on June 30, 2010.

Summerhaven fire; assured water supply (S.B. 1182) – Chapter 51

Beginning April 16, 2007, exempts subdivided lands for sale or lease in an active management area from the requirement that the lands have an assured water supply as long as the Director of the Arizona Department of Water Resources finds that certain conditions apply.

county powers; open fires (S.B. 1198) – Chapter 52

Authorizes counties to prohibit open fires and campfires on lands that are in the unincorporated areas of the county and that are private property islands within the boundaries of a national forest, United States Bureau of Land Management (BLM) or state land holdings if such a prohibition has been declared by a national forest, BLM or the State Forester.

~~state fair fund; technical correction~~ (NOW: Arizona water settlements) (S.B. 1218) – Chapter 286

Corrects an omission in the title of Laws 2007, Chapter 249 (S.B. 1570), relating to the Arizona Water Settlements Act, by repealing and rewriting a section in that law.

underground storage tanks (S.B. 1310) – Chapter 103

Limits the frequency an application may be submitted to or accepted by the Arizona Department of Environmental Quality for coverage of costs associated with a single underground

NATURAL RESOURCES & RURAL AFFAIRS COMMITTEE (Cont'd.)

storage tank (UST) facility to once per calendar month. Also, reduces the amount an owner/operator of a UST may receive from the Assurance Account for corrective actions that the owner/operator elects to perform to 90 percent.

water storage permits; notice requirements (S.B. 1312) – Chapter 161

Requires the Arizona Department of Water Resources to post a notice on its website of an application for an underground storage facility permit that includes the applicant's name, the proposed location of the facility, the date the application was filed and the application number.

national animal identification system; nonparticipation (S.B. 1428) – Chapter 167

Clarifies that the National Animal Identification System is voluntary and participation shall not be mandated by the Arizona Department of Agriculture or any instrumentality of the state.

low sulfur diesel fuel standards (S.B. 1455) – Chapter 145

Modifies diesel fuel standards to correlate with federal regulations regarding low sulfur diesel fuel and ultra low diesel fuel labeling, dispensing and transfer document requirements.

vehicle emissions inspection; sunset extension (S.B. 1531) – Chapter 171

Continues the Vehicle Emissions Inspection Program and annual inspection requirements from January 1, 2009, to January 1, 2017. Authorizes an onboard diagnostic check for motorcycles and constant four wheel drive vehicles. Bases the exemption from emission inspection requirements for new vehicles on the registration year, rather than the model year, and extends how long new vehicles are exempt from testing to five years after initial purchase or lease. Removes a limitation on payment method for inspections.

air quality program (S.B. 1552) – Chapter 292

Addresses areas of particulate emissions (PM-10), including leaf blowers restrictions, paving and stabilization requirements, off-highway vehicle restrictions, dust coordinator requirements, fuel requirements (to address ozone emissions), no burn restrictions and other miscellaneous provisions.

Leaf Blower Restrictions – Establishes prohibitions on the use of leaf blowers, except in vacuum mode, for employees of cities, towns and counties in Area A, which is the Phoenix metropolitan area including a portion of Pinal County, on a high pollution advisory (HPA) day forecast by the Arizona Department of Environmental Quality (ADEQ). Prohibits their use in Area A on unstabilized surfaces or to blow debris into the street at any time by any person. Requires training, once every three years, for any person who receives payment for services relating to operating a leaf blower in Maricopa County and the portion of Apache Junction located in Area A. Requires ADEQ to produce and distribute printed materials designed to educate and inform users of leaf blower equipment.

Paving and Stabilization Requirements – Requires cities, towns and counties in Area A to develop plans to pave or stabilize targeted unpaved roads, alleys and unpaved shoulders. Requires cities in Area A and in Maricopa County to adopt or amend and enforce ordinances as necessary to require dustproof paving methods for parking, maneuvering, ingress and egress areas at commercial developments with four or fewer units and areas 3000 ft² in size at residential developments with

NATURAL RESOURCES & RURAL AFFAIRS COMMITTEE (Cont'd.)

four or fewer units. Requires restrictions on vehicle parking and use on unpaved or unstabilized vacant lots in Area A. Notification requirements for stabilizing vacant lots are outlined and, if the owner does not comply within the 30-day notice period, the county may enter the property and stabilize the lot at the owner's expense.

Off-Highway Vehicle Restrictions – Requires cities and towns in Area A to adopt and enforce an ordinance to prohibit the operation of a vehicle, including an off-highway vehicle (OHV), all-terrain vehicle (ATV) or off-road recreational motor vehicle (ORRMV), on an unpaved surface, except public or private roads, streets and easements, that is closed by the landowner, by rule or regulation or by posting if the land is private. Prohibits operating an OHV, an ATV or an ORRMV on an unpaved surface in Area A during any HPA day for particulate matter as forecast by ADEQ with exceptions. Outlines penalties for violations of OHV, ATV and ORRMV restrictions. Requires ADEQ to develop informational material for reducing dust generation and applicable ordinances and restrictions. OHV, ATV and ORRMV sellers and rental companies in Area A, except for golf carts, must provide this information to the renter or buyer.

Dust Coordinator Requirements – Requires a dust control coordinator (coordinator) to complete comprehensive training and be present, beginning no later than June 31, 2008, on: 1) sites of five acres or more of disturbed area that are subject to a PM-10 emissions permit and 2) sites of one acre or more of disturbed area that are required to obtain a Utilities General Permit. A coordinator is responsible for managing dust prevention and dust control on site and is authorized to modify or shut down activities as needed to control dust.

Requires site superintendents or other onsite representatives on a PM-10 permitted site of more than one acre of disturbed surface area and water truck and water pull operators to receive basic training and subsequent training every three years.

Outlines the conditions that must be met in order for the requirement at a site of five acres or more to have an onsite coordinator lapse. Requires subcontractors on a site that is subject to a PM-10 permit to register with the control officer. The control officer may charge a fee for services.

Fuel Requirements and Emissions – Establishes a new Area C, as an ozone reduction measure, consisting of the western portion of Pinal County excluding any portion of the county within Area A or the jurisdiction of any Indian tribe. Conditionally requires clean burning gasoline in Area C during the months of May 31 through September 30, based on the Environmental Protection Agency (EPA) approval of the revision of the State Implementation Plan (SIP).

Requires ADEQ to evaluate the Coordinating Research Council study E-74b and receive comments from specified entities. If funding is available, ADEQ must develop and implement research that would complement and incorporate the E-74b study regarding Reid vapor pressure and oxygen content effects on emissions of 1994 and newer light duty vehicles.

Establishes county voluntary diesel retrofit programs for permitted diesel equipment that allows for extra hours of operation for the owner based on the calculated emissions reduction achieved by the retrofit.

Requires a liquid leak inspection as part of any required vehicle emissions inspection if the vehicle was manufactured after the 1974 model year and is not a diesel vehicle.

NATURAL RESOURCES & RURAL AFFAIRS COMMITTEE (Cont'd.)

No Burn Restrictions – Prohibits open outdoor fires in Area A from May 1 through September 30 each year. Requires counties that contain any portion of Area A to include a no burn restriction in their ordinances for HPA days as forecast by ADEQ for particulate matter. Requires a county with a population exceeding 1,200,000 persons to prohibit the use of wood burning chimineas, outdoor fire pits and similar outdoor fires on days that the county has issued a no burn day restriction for particulate matter or ozone. Increases civil penalties for violations of no burn restrictions.

Miscellaneous Provisions – Requires cities, towns and counties in Area A to contract for street sweepers that meet specific standards for pick-up efficiency and PM-10 emissions, beginning on the effective date for counties and March 31, 2008, for cities and towns. Increases the number of agricultural best management practices (BMPs) that are required from one to two and expands the applicable area for the agricultural BMPs. Allows the state or an agency or political subdivision of the state to agree to a contract amendment to any contract entered into before the enactment of these air quality control measures to provide for supplemental payments to reimburse the contractor for costs incurred as a result of new dust control requirements. Establishes the ten-member State Air Quality Study Committee (Committee) for the purpose of examining and making recommendations for current and future compliance with primary national ambient air quality standards. The Committee is repealed on January 1, 2010.

water; municipal conservation requirements (S.B. 1557) – Chapter 139

Eliminates the current Non-Per-Capita Conservation Program (NPCCP) that is required in the third (in place from 2000-2010), fourth (to be implemented between 2010-2020) and fifth (to be implemented between 2020-2025) management plans and replaces it with a modified NPCCP. The modified NPCCP is required to be implemented by all large municipal water providers that do not currently have a designation of an assured water supply, but the modified NPCCP is optional for those that have a designation. The modified NPCCP requires a water provider, in addition to public education and metering requirements, to select and implement conservation measures from a list of best management practices measures developed by the Director of the Arizona Department of Water Resources (Director). The number of additional measures required is based on the number of service connections in the provider's service area. A provider must submit a provider profile to the Director outlining the conservation measures that it will implement. Additionally, the Director is required to include an agricultural best management practices program in the fourth and fifth management plans, which is currently optional.

~~critical water area pilot districts~~ (NOW: Arizona water settlement act) (S.B. 1570) – Chapter 249

Modifies the conditional enactment of statutes relating to the Arizona Water Settlements Act enacted by Laws 2005, Chapter 143, to allow the Tohono O'odham Water Settlement and the Gila River Indian Community Water Rights Settlement to be enacted separately.

water adequacy amendments (S.B. 1575) – Chapter 240

Authorizes a county board of supervisors for counties located outside active management areas to adopt, by unanimous vote, an adequate water supply ordinance to require that any new subdivision have an adequate water supply in order to receive plat approval. In qualifying counties that do not adopt an adequacy requirement, a city or town may adopt an adequate water supply requirement for new subdivisions.

NATURAL RESOURCES & RURAL AFFAIRS COMMITTEE (Cont'd.)

The Director of the Arizona Department of Water Resources (Director) is responsible for determining whether the subdivision has an adequate water supply or if any of the following exemptions apply: 1) a developer has already made a substantial capital investment in the subdivision without an adequate water supply designation (this exemption expires after five years, unless a home in the subdivision is sold or the Director extends the exemption); 2) projects are not yet completed or Colorado River water rights are not available for the subdivision, but will be within 20 years; and 3) water has to be hauled to homes in the subdivision by train or vehicle.

Exemptions must be noted on the face of the plat and all promotional material if they apply. Establishes notice and notification requirements, including a requirement for a deed to state that the water supply is inadequate and is hauled by vehicle or train.

state forester (S.B. 1607) – Chapter 175

Increases the cap on the Fire Suppression Revolving Fund (Fund) by requiring unobligated monies in the Fund at the end of any calendar year that exceed \$2,000,000, rather than \$600,000, to be deposited in the state General Fund.

~~water; adequacy program provisions~~ (NOW: law enforcement officer; definition; exception) (S.B. 1609) – Chapter 61

Modifies the definition of a law enforcement officer with respect to a multicounty water conservation district (district) and exempts a district from the Arizona Administrative Procedure Act.

state fair board; sunset continuation (H.B. 2043) – Chapter 2

Retroactive to July 1, 2007, continues the Arizona Exposition and State Fair Board until July 1, 2017.

outdoor recreation commission; sunset continuation (H.B. 2044) – Chapter 38

Retroactive to July 1, 2007, continues the Arizona Outdoor Recreation Coordinating Commission until July 1, 2017.

agricultural commodity councils; restructuring (H.B. 2113) – Chapter 64

Modifies the membership of the agricultural commodity councils by reducing the number of members on the Arizona Citrus Research Council, changing the membership requirements for the Arizona Iceberg Lettuce Research Council and changing the membership of the Citrus, Fruit and Vegetable Advisory Council.

big game permits; grandchildren (H.B. 2116) – Chapter 5

Allows a grandparent to transfer a big game permit to a minor grandchild under certain conditions.

big game permits; transfers (H.B. 2117) – Chapter 66

Allows a person to transfer a big game permit to a qualified organization for use by a minor child who has a permanent physical disability.

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~~community colleges; bonding; technical correction~~ (NOW: water district; Upper San Pedro) (H.B. 2300) – Chapter 252

SEE APPROPRIATIONS COMMITTEE.

feral honeybees; public nuisance (H.B. 2306) – Chapter 16

Adds hives of feral honeybees, which include any hive not actively maintained by a beekeeper, to the list of public nuisances hazardous to public health if the feral honeybees pose a threat to health or safety.

~~water; maximum daily loads; report~~ (NOW: retiree health insurance; rural subsidy) (H.B. 2311) – Chapter 253

Beginning June 20, 2007, extends, until 2009, the health care premium benefit supplement for retired members of the Arizona State Retirement System, Corrections Officer Retirement Plan, Public Safety Personnel Retirement System and Elected Officials' Retirement Plan who live in nonservice areas with no health maintenance organizations and who are Medicare eligible.

energy code advisory commission; repeal (H.B. 2319) – Chapter 88

Repeals the State Energy Code Advisory Commission and the State Energy Code.

adequate water supply; city designation (H.B. 2321) – Chapter 75

Allows a city that has a contract with the Secretary of the Interior for permanent allocations of Colorado River water to deliver that water directly to customers and authorizes the Director of the Arizona Department of Water Resources to include those Colorado River water allocations when making a determination of adequate water supply.

irrigation districts; acreage voting (H.B. 2440) – Chapter 105

Allows an irrigation district located in a county with a population of at least two million to adopt an acreage system of voting as long as more than half of the district's total acreage is used for other than agricultural purposes.

sanitary district; conversion; reorganization (H.B. 2482) – Chapter 80

Renames the process for a sanitary district (district) to *convert* from a district board comprised of the county board of supervisors to an elected district board. The bill also includes a new process for a district to *reorganize* to become a five-member district board rather than a three-member district board.

~~well impacts; contamination~~ (NOW: contamination; well impacts) (H.B. 2484) – Chapter 209

Requires the Director of the Arizona Department of Water Resources (Director) to deny the drilling of a well if the Director finds that the well will likely cause the migration of contaminated groundwater from a remedial action site to another well. The Director is required to approve or deny the drilling of a well within 45 days of receiving a notice of intent (NOI) to drill and may only make

NATURAL RESOURCES & RURAL AFFAIRS COMMITTEE (Cont'd.)

a determination on the approval or denial of an NOI for a well that is located within certain distances of a remediation site.

well water; Colorado; Santa Cruz (NOW: well water; Colorado river water) (H.B. 2485) – Chapter 91

Restructures a conditionally enacted statute governing notice of intent to drill a well that will pump Colorado River water, which was enacted in 2002 and modified in 2006, by separating the requirement to provide proof of Colorado River water rights into a separate section of statute.

agricultural management practices committee; continuation (H.B. 2487) – Chapter 81

Retroactive to July 1, 2007, continues the Agricultural Best Management Practices (BMP) Advisory Committee until July 1, 2012. Additionally, restructures the Agricultural BMP Advisory Committee and its membership by eliminating the Nitrogen Fertilizer BMP Advisory Committee and combining the Concentrated Animal Feeding Operations BMP Advisory Committee and the Grazing BMP Advisory Committee.

drought emergency groundwater transfers (H.B. 2488) – Chapter 149

Retroactive to April 30, 2007, in areas outside of active management areas, under specified circumstances, allows groundwater to be transferred away from a groundwater basin on application to and approval by the Director of the Arizona Department of Water Resources (Director). Requires the Director to approve an application to transport groundwater away from a groundwater basin if certain conditions are met. Repeals the transfer of groundwater authority after April 30, 2008.

schools; energy and water savings (NOW: schools; energy and water efficiency) (H.B. 2496) – Chapter 150

Establishes the School Energy and Water Use Efficiency Program (Program) within the Arizona Department of Education (ADE) to facilitate cooperation between utility companies and schools that choose to participate. Requires an agreement to be negotiated between the utility company and the school district or charter school, which must include specific criteria. Allows a school district or a charter school to enter into a contract after approval from the ADE. The ADE must be given a copy of the contract. Requires payments to the utility for the Program to be considered as part of the maintenance and operations budget and will not be paid with excess utilities monies.

aggregate mining operations recommendation committees (H.B. 2626) – Chapter 83

Broadens the membership eligibility requirements for the Aggregate Mining Operations Recommendation Committee (Committee) by extending residency requirements to private citizens and requiring the board of supervisors to appoint alternate members who may serve at Committee meetings when primary members are unable to attend.

water supply development revolving fund (H.B. 2692) – Chapter 226

Establishes the Water Supply Development Revolving Fund (Fund) to be administered by the Water Infrastructure Finance Authority (WIFA) Board and consisting of monies from sources including the issuance and sale of bonds and legislative appropriations. Water providers located in a

NATURAL RESOURCES & RURAL AFFAIRS COMMITTEE (Cont'd.)

city, town or county that has an adequate water supply requirement for new subdivisions may apply for financial assistance from the Fund to be used for planning or design of water supply development projects.

Creates the 14-member Water Supply Development Fund Committee (Committee) to consult with WIFA on the process for applying for and awarding financial assistance to water providers from the Fund. Loans are awarded from the Fund through WIFA based on approval of the loan application by the Committee. Outlines loan repayment terms and conditions; limits single grants to \$100,000 and requires repayment within three years; and establishes bonding authority.

Conditions the enactment of this legislation on the passage of S.B. 1575 (Laws 2007, Chapter 240) relating to water adequacy requirements.

racing; pari-mutuel wagering (H.B. 2694) – Chapter 189

Establishes penalties and enforcement procedures by the Arizona Department of Racing (Department) and the Attorney General for wagers that are placed inside or outside of this state at facilities that are not licensed by the Department. Deems any wager placed in this state to have occurred in this state. Requires an annual report that summarizes enforcement activities to be submitted to the Governor and Legislature with a copy to the Secretary of State and the Arizona State Library, Archives and Public Records.

noncontiguous county island fire districts (H.B. 2780) – Chapter 242

Repeals portions of Laws 2006, Chapter 2, which were adjudicated unconstitutional, that authorized a county island to form a county island fire district and require a surrounding city to provide fire service.

Establishes a new authority for noncontiguous county islands to form a Noncontiguous County Island Fire District (District) and outlines the process for formation, including hearing and petition requirements. If the signatures on the petitions are found to be valid, the county board of supervisors must order the formation of the District and the District is established 30 days after the order. Once formed, the District is administered by an initial board appointed by the county board of supervisors until the election of a five-member board. Outlines the duties of the elected board, including issuing a request for proposals (RFP) for, and entering into contracts or intergovernmental agreements (IGAs) with, providers for fire protection and emergency medical services, and assessing a secondary property tax to cover the costs of services.

Outlines the process the District must use for contracting for fire and emergency services. Requires the elected board to act within 60 days of formation to: 1) enter into an IGA with a municipality; 2) issue an RFP for a nonmunicipal provider; or 3) if there are no bidders and the county attorney certifies that the negotiations were based on commercially reasonable assumptions, then the surrounding municipality must provide fire and emergency medical services. The method for determining the payment for fire and emergency medical services is outlined. A fire district, city or town is not required to provide protection to any portion of the county that is receiving services from a private provider except for by a mutual aid or backup agreement.

Outlines the process for a resident of the District to request to be annexed into the surrounding municipality, requires a private provider of fire or emergency medical services in a county island to provide notice of termination of those services to the resident at least one year before

NATURAL RESOURCES & RURAL AFFAIRS COMMITTEE (Cont'd.)

the termination date and requires legislative review if a municipality is required to provide fire and emergency medical services to a noncontiguous county island fire district.

environment; budget reconciliation (NOW: budget reconciliation; environment) (H.B. 2788) – Chapter 262

SEE APPROPRIATIONS COMMITTEE.

urge protection; Kofa herd (H.C.M. 2008)

Urges the United States Congress to reaffirm the Arizona Game and Fish Department's position as the lead management agency of nonmigratory and nonendangered wildlife. Urges the Arizona Game and Fish Commission to employ all management tools and measures necessary to recover the desert bighorn sheep herd of the Kofa National Wildlife Refuge.

Lower Colorado basin; forbearance authority. (H.J.R. 2001/S.J.R. 1001)

Resolves, with the Governor concurring, that it is in the best interest of the state to enter into forbearance agreements to protect Arizona's interests in Colorado River water in surplus, normal and shortage years. Authorizes the Director of the Arizona Department of Water Resources to enter into forbearance agreements, subject to certain restrictions.

LEGISLATION VETOED

water; overlapping service area providers (S.B. 1119) – VETOED

Prohibits a city or town from limiting a landowner's use of water supplied by an irrigation district with an overlapping service area by enacting or adopting an ordinance, regulation or provision.

The Governor indicates in her veto message that S.B. 1119 would preempt local governments from coordinating their services, hamper planning for growth and eliminate incentives for local governments and irrigation districts to work together to provide water efficiently.

county purchasing; technical correction (NOW: railroads siting authority; eminent domain) (H.B. 2020) – VETOED

Authorizes the Arizona Corporation Commission (ACC) to review railroad proposals that use eminent domain, the threat of eminent domain or auction to acquire property in order to ensure that the railroad has examined alternative locations and has chosen a site or route that minimizes environmental, natural resource, water and economic impacts and impacts on historical, archeological or geographical land marks. A railroad must submit a proposal to the ACC if a proposal is required for a review and the ACC may suggest alternative locations.

The Governor indicates in her veto message of H.B. 2020 that federal law (49 U.S.C. § 10501(b)(2)) establishes primary, if not exclusive, federal jurisdiction over the regulation of railroads.

Public Safety & Human Services Committee

Senator Linda Gray, Chairman



Amber O'Dell, Research Analyst

Ryan DeMenna, Assistant Analyst

PUBLIC SAFETY & HUMAN SERVICES COMMITTEE

LEGISLATION ENACTED

health providers; duty to report (NOW: law enforcement; emergency department cooperation) (S.B. 1015) – Chapter 19

SEE HEALTH COMMITTEE.

DUI; 0.20 concentration enhancement (S.B. 1029) – Chapter 219

SEE TRANSPORTATION COMMITTEE.

juvenile corrections; temporary release (NOW: juvenile corrections; temporary escort) (S.B. 1041) – Chapter 22

Allows the Director of the Arizona Department of Juvenile Corrections (ADJC), after considering public safety and other relevant factors, to authorize the temporary escort of a committed youth by ADJC staff for compassionate leave or for the purposes of treatment, education or rehabilitation.

fingerprint clearance cards (S.B. 1045) – Chapter 95

Expands the list of offenses that preclude a person from receiving a fingerprint clearance card. The additions to the list of unappealable offenses include furnishing harmful items to minors, presentation of obscene items, sexual offenses and offenses related to prostitution. The additions to the list of appealable offenses include those related to homicide, computers, identity theft and fraud, among others. Specifies that awaiting trial on, or being convicted of, either soliciting or facilitating a precluding offense will result in denial or revocation of a fingerprint clearance card.

CPS; investigations; other jurisdictions (S.B. 1158) – Chapter 156

Specifies that if, during the course of an investigation, a Child Protective Services worker is made aware that an allegation of abuse or neglect may have been made in another state, the worker must contact the appropriate agency in that state to attempt to determine the outcome of the investigation. Requires the court to consider a substantiated allegation of abuse or neglect that was committed in another jurisdiction when making a determination in dependency and permanency hearings and whether to terminate parental rights. Requires evidence considered by the court in preliminary protective hearings to include any available evidence of substantiated allegations.

public safety employees; disease testing (S.B. 1170) – Chapter 33

SEE HEALTH COMMITTEE.

adoption subsidies (NOW: criminal street gangs; membership; sentencing) (S.B. 1222) – Chapter 287

Increases the penalties for certain offenses if the person is a criminal street gang (gang) member or if the offense is committed with the intent to promote, further or assist any criminal

PUBLIC SAFETY & HUMAN SERVICES COMMITTEE (Cont'd.)

conduct by a gang. Classifies participating in a gang as a class 2 felony and assisting a gang as a class 3 felony. Specifies that in a bail hearing, proof that the person is a gang member may give rise to the inference that the person poses a substantial danger to another person or the community and that no condition or combination of conditions of release may be imposed that will reasonably assure the safety of the other person or the community. Allows the Department of Public Safety (DPS) to enter into a contract with a qualified vendor to provide data monitoring and an alert system for persons who are found to be gang members or persons required to register as sex offenders. Establishes the Joint Legislative Study Committee on Security Threat Groups and Criminal Street Gangs and appropriates \$2,000,000 from the state General Fund in FY 2007-2008 to DPS for gang enforcement and intelligence.

domestic violence; lease termination (S.B. 1227) – Chapter 100

Allows a tenant to terminate a rental agreement if the tenant provides the landlord written notice and evidence that the tenant is a victim of domestic violence. Specifies that a tenant who terminates a lease and who is convicted of falsely filing a departmental report or order of protection for domestic violence is liable to the landlord for treble damages for premature termination of the lease. Deems the person named in the order of protection or departmental report who provokes an early lease termination to have interfered with the residential rental agreement and may be civilly liable for all economic losses incurred by the landlord as a result of the lease termination. Allows a tenant who is a victim of domestic violence to require the landlord to install a new lock to the tenant's dwelling if the tenant pays for the cost of the installation.

~~animal fighting; prohibition~~ (NOW: aggravated DUI; probation; incarceration) (S.B. 1229) – Chapter 159

Excludes the following time periods when determining the 84-month look-back period for aggravated DUI: 1) the time that a probationer is found to be on absconder status and 2) the time that a person is incarcerated in any state, federal, county or city jail or correctional facility.

~~homestead exemptions; judgments; child support~~ (NOW: support; maintenance; homestead exemption) (S.B. 1247) – Chapter 194

Disallows a person from claiming a homestead exemption to protect against child support or spousal maintenance arrearages, and specifies the situations in which an award of court ordered support constitutes a lien. Stipulates that in a contempt proceeding brought to enforce payment of any form of child support or spousal maintenance, the court may consider the homestead as a resource from which an obligor has the ability to pay.

~~homeowners' associations; designated representative~~ (NOW: extreme DUI; sentence) (S.B. 1252) – Chapter 195

SEE TRANSPORTATION COMMITTEE.

CPS; confidential information. (S.B. 1306) – Chapter 56

Requires law enforcement agencies, before Child Protective Services (CPS) records are released, to take reasonably necessary precautions to protect the identity and safety of persons who report child abuse or neglect and to protect any other person who could be endangered by the disclosure of the CPS information.

PUBLIC SAFETY & HUMAN SERVICES COMMITTEE (Cont'd.)

drug and gang enforcement account (S.B. 1344) – Chapter 135

Changes the options the Arizona Criminal Justice Commission (ACJC) has for the distribution of Drug and Gang Enforcement Account monies, including increasing the percentage of funds available for law enforcement agencies as well as programs approved by ACJC related to drug and gang offenders.

dissolution of marriage; attorney fees (S.B. 1357) – Chapter 166

Requires the court, on request of a party or another court of competent jurisdiction, to make specific findings concerning the portions of any fees and expenses awarded based on consideration of financial resources and reasonableness of the parties' positions. Specifies that the court may make these findings before, during or after the issuance of a fee award.

aggravated domestic violence (S.B. 1424) – Chapter 58

Stipulates that a person is guilty of aggravated domestic violence if the person commits a third or subsequent domestic violence offense within a period of seven years, instead of the current five years.

sale of products; committed youths (S.B. 1445) – Chapter 137

Allows the Arizona Department of Juvenile Corrections (ADJC) to market and sell to the public products created by committed youths. Establishes the Career Technical Education Fund (Fund) for the purpose of paying expenses for any educational, vocational, treatment, training or work program established by ADJC, and requires monies derived from the sale of products created by committed youths to be deposited in the Fund. Prohibits an individual adjudicated delinquent from profiting from the reenactment, description or depiction of a crime.

organized retail theft task force (S.B. 1547) – Chapter 233

Establishes the Organized Retail Theft Task Force (Task Force) consisting of law enforcement, county attorneys and persons engaged in retail business to, among other things, determine the scope of the problem, recommend statutory changes and analyze methods of combating organized retail theft in Arizona. Requires the Task Force to report its findings and recommendations to the Legislature by December 1, 2008. Repeals the Task Force on October 1, 2009.

public safety radio communications; liability (S.B. 1549) – Chapter 172

Expands limited liability currently applied to the 911 emergency phone system to the maintenance of that system and to a public safety radio communications network or similar network.

~~caregiver services~~ (NOW: DPS; injuries; industrial leave) (S.B. 1605) – Chapter 294

Allows a civilian Department of Public Safety (DPS) employee who is rehired after August 9, 2001, and who was injured as a sworn DPS employee, to receive industrial injury leave.

PUBLIC SAFETY & HUMAN SERVICES COMMITTEE (Cont'd.)

youthful sex offenders; treatment (S.B. 1628) – Chapter 176

Outlines the requirements for placing sex offenders under 21 years of age in mental health treatment programs and for transferring juveniles being prosecuted as adults for specific sexual offenses to the juvenile court. Provides a list of factors the court must consider before transferring a juvenile. Prescribes procedures for conducting annual probation review hearings for certain probationers required to register as sex offenders.

~~DPS; retirement; badge~~ (NOW: badges; officer purchase; illegal use) (H.B. 2088) – Chapter 63

Allows the Department of Public Safety (DPS) to sell badges to officers who have been promoted or have separated from DPS. Designates impersonating a DPS officer or wearing a DPS badge without authority as a class 1 misdemeanor.

law enforcement officers; misconduct interviews (H.B. 2209) – Chapter 118

Requires employers of law enforcement or probation officers to provide written notice of the following to the officer before initiating an interview the employer reasonably believes could result in dismissal, demotion or suspension: 1) the specific nature of the investigation; 2) the officer's status in the investigation; 3) all known allegations of misconduct that are the reason for the interview; and 4) the officer's right to have a representative present at the interview. Outlines situations in which the notification requirement does not apply.

children; temporary court orders (H.B. 2211) – Chapter 42

Allows the court to issue a temporary order regarding custody and parenting time pending a judicial determination of paternity. Such an order does not prejudice the rights of a person or child adjudicated at subsequent hearings.

sibling information exchange program (H.B. 2212) – Chapter 72

Establishes, effective January 1, 2008, the Sibling Information Exchange Program (Program) within the Administrative Office of the Courts to facilitate contact between a former dependent child and the child's sibling(s). Specifies administrative guidelines and designates the Program's funding source.

domestic relations; social security numbers (H.B. 2214) – Chapter 14

Removes the requirement that social security numbers be included in certain court documents related to domestic relations and instead requires, in some cases, the numbers to be filed separately on a Sensitive Data Sheet maintained by the courts.

employment security; appeals board (H.B. 2246) – Chapter 119

Requires all Department of Economic Security (DES) appeals hearings regarding unemployment insurance to be electronically recorded, rather than transcribed, at the expense of DES, but requires DES to transcribe a hearing if a party files an application for further appeal. Allows a scheduled hearing date to be advanced or postponed on a showing of good cause or if the parties agree.

PUBLIC SAFETY & HUMAN SERVICES COMMITTEE (Cont'd.)

TANF; diversion program; sanctions (H.B. 2247) – Chapter 120

Specifies that the assessment of a Temporary Assistance for Needy Families (TANF) applicant's employability must include the consideration of the likelihood of the applicant obtaining full-time employment within 90 days, instead of immediately, when the Department of Economic Security (DES) determines whether the applicant should be offered services under the TANF diversion option. Stipulates that an applicant is eligible to receive DES employment services for 90 days from the initial application, to expedite employment placement. Requires cash assistance recipients to demonstrate compliance with work activity requirements in order to continue benefit eligibility and to avoid sanctions.

title IV-D services; fee (H.B. 2248) – Chapter 245

Subject to the requirements for enactment (Proposition 108), which require the affirmative vote of at least two-thirds of the members of each house of the Legislature, requires, effective June 13, 2007, the Department of Economic Security (DES) to charge an annual \$25 fee to recipients of child support enforcement services who have never received public assistance if the recipient receives over \$500 of support in a federal fiscal year. Specifies procedures to collect the fee. Requires DES to charge the fee to the obligor if a foreign country has requested enforcement of a support order.

child support enforcement (H.B. 2249) – Chapter 246

Allows the Division of Child Support Enforcement (DCSE) within the Department of Economic Security to administratively suspend the professional or occupational license of an obligor who is at least six months in arrears in making child support payments. Outlines processes and procedures. Permits DCSE, under certain circumstances, to administratively release a judgment lien for support if the judgment has been satisfied.

domestic relations; child support; committees (H.B. 2250) – Chapter 73

Continues the Child Support Committee and the Domestic Relations Committee until January 1, 2018, and allows certain members to select designees.

~~child support committee; membership~~ (NOW: special education; school year) (H.B. 2251) – Chapter 201

Requires a school district or county school superintendent to provide special education services through the end of the school year to a person who reaches 22 years of age during the school year.

~~CPS; interviews; right to refuse~~ (NOW: CPS; required information) (H.B. 2263) – Chapter 43

Repeals and recodifies the existing notification requirements a Child Protective Services (CPS) worker must provide to a parent, guardian or custodian under CPS investigation.

prisons; transition programs (H.B. 2298) – Chapter 247

Modifies the Arizona Department of Corrections (ADC) inmate eligibility requirements for participation in the Transition Program and rules regarding the Transition Program and the

PUBLIC SAFETY & HUMAN SERVICES COMMITTEE (Cont'd.)

Community Accountability Pilot Program (CAPP). Requires the victim to be notified and be given the opportunity to be heard regarding the early release an inmate could receive by participating in the Transition Program.

Establishes the Teaching Offenders to Live Program (TOLP), as a component of CAPP, to reduce an inmate's relapse, revocation of community supervision and recidivism. Requires an eligible inmate to participate in TOLP following the inmate's return to custody for a violation of the conditions of community supervision, but before the revocation hearing is held by the Board of Executive Clemency (Board). Allows ADC to advocate for the inmate during the revocation hearing if the inmate has graduated from TOLP; the Board makes the final decision.

Removes the requirement that eight percent of the wages of prisoners convicted of drug offenses be used to fund the Transition Office, and instead requires five percent of the wages of all prisoners not convicted of DUI offenses to be used for that purpose.

peace officers' training fund (H.B. 2339) – Chapter 123

Permits Arizona Department of Corrections and Arizona Department of Juvenile Corrections personnel who have been appointed to peace officer status to participate in funding provided by the Peace Officers' Training Fund.

firearms; peace officers (H.B. 2457) – Chapter 79

Restricts the state, a county, city or town, or any other political subdivision of Arizona from prohibiting a peace officer from carrying a firearm if the officer is in compliance with Arizona Peace Officer Standards and Training Board requirements, except in specified circumstances.

domestic relations; support judgments; interest (H.B. 2594) – Chapter 181

Specifies that interest accrues on past child support obligations only after the time the child support order was issued.

~~deployed military; custodial rights~~ (NOW: custodial rights; deployed military) (H.B. 2635) – Chapter 202

Requires child custody decrees or orders made in contemplation of, or during, the military deployment of a custodial parent outside of the continental United States to specifically reference the deployment and include provisions governing the custody of the child after the deployment ends. Allows either parent to file a petition after the deployment ends to modify the decree or order and requires the court to hold a hearing or conference on such a petition within 30 days. Specifies that Arizona remains the home state of a child during the military deployment of the child's custodial parent outside the United States under certain circumstances.

utility assistance; qualified fuel fund (H.B. 2681) – Chapter 218

Repeals statutes related to the Utility Assistance Fund (UAF), transfers all monies in the UAF to a qualified fuel fund entity and requires utilities to transmit all abandoned deposits to the entity on an annual basis. Requires the entity to provide assistance to eligible recipients in making utility deposits and owner repairs or replacement of utility-related appliances or systems.

PUBLIC SAFETY & HUMAN SERVICES COMMITTEE (Cont'd.)

victims' rights; free police reports (H.B. 2756) – Chapter 204

Requires employers with 50 or more employees to allow an employee who is a crime victim to leave work to obtain injunctive relief to help ensure the health, safety or welfare of the victim or the victim's child. Requires the investigating law enforcement agency to inform the victim of a criminal offense that the victim, or the immediate family member of the victim if the victim is killed or incapacitated, has the right to receive one free copy of the police report.

expressing support; Poland; visa waiver (H.C.R. 2007)

Expresses the Legislature's support for placing Poland on the Visa Waiver Program list.

LEGISLATION VETOED

~~game and fish commission; bison~~ (NOW: homeland security advisory councils; membership) (H.B. 2122) – VETOED

Allows certain members of the Department of Homeland Security Regional Advisory Councils (Regional Councils) to select designees and permits four members of the North and West Regional Councils to be from any one county instead of the current three. Adds, retroactive to July 1, 2007, two public members to the Department of Homeland Security Coordinating Council (Coordinating Council).

In her veto letter, the Governor indicates that changes to the membership of the Coordinating Council are currently unnecessary.

Transportation Committee

Senator Ron Gould, Chairman



Dallas Gold, Research Analyst
Elizabeth Hegedus-Berthold, Intern

TRANSPORTATION COMMITTEE

LEGISLATION ENACTED

ADOT records; domestic violence victims (NOW: public records; confidentiality) (S.B. 1006) – Chapter 141

Retroactive to September 21, 2006, expands the list of persons eligible to request restriction of public access to personal information that is available through the county recorder, assessor or treasurer. Requires an eligible person, who is under an order of protection or injunction against harassment, to present to the county recorder a copy of the court order or injunction to support the person's need to redact personal information.

Allows an eligible person to request that the Arizona Department of Transportation (ADOT) restrict public access to personal information and requires an eligible person, who is under an order of protection or injunction against harassment, to submit a copy of the order or injunction to ADOT to support the person's need to redact personal information.

vehicle license tax; military exemption (S.B. 1007) – Chapter 239

SEE FINANCE COMMITTEE.

DUI; 0.20 concentration enhancement (S.B. 1029) – Chapter 219

Increases the penalties for persons convicted of an extreme DUI with a blood alcohol concentration (BAC) of 0.20 or higher, including a sentence of at least 45 consecutive days in jail and a fine of at least \$500 for a first offense and at least 180 days in jail, 90 of which must be served consecutively, and a fine of at least \$1000 for a second offense within 84 months.

Additionally, first offense DUI offenders must equip their vehicle with an ignition interlock device (IID) for one year. If the person's BAC is 0.20 or higher, the IID is required for 18 months and for a second offense DUI violation within 84 months, if the BAC is 0.20 or higher, the IID is required for two years.

automobile theft authority; continuation (S.B. 1061) – Chapter 27

Retroactive to July 1, 2007, continues the Arizona Automobile Theft Authority until July 1, 2012.

pedestrian control signals (S.B. 1076) – Chapter 29

Allows the symbol of a walking person and an upraised hand to be used on pedestrian control signals to indicate "walk" and "don't walk."

vehicle accidents; minimum reporting requirement (S.B. 1118) – Chapter 154

Reclassifies the failure to stop or give information or assistance at the scene of an accident resulting in death or serious injury as a class 3, instead of a class 4, felony; unless the driver who

TRANSPORTATION COMMITTEE (Cont'd.)

caused the accident leaves the scene, in which case it is reclassified as a class 2 instead of a class 3 felony.

A driver who fails to stop or give information or assistance at the scene of an accident leading to an injury that is not serious is guilty of a class 5 felony, instead of a class 6. Failure to stop or give information at the scene of an accident resulting in vehicle damage is a class 2, instead of a class 3, misdemeanor.

traffic violations; statute of limitations (S.B. 1131) – Chapter 155

Allows a civil traffic violation case to be commenced within one year of the alleged violation if the investigation is in conjunction with an accident resulting in death. Time restraints specific to civil traffic violation cases initiated by filing are also established, which requires the cases to be filed within 60 days of the alleged violation and served within 90 days from the filing date.

HOV lanes; motorcycles; buses (S.B. 1161) – Chapter 32

Allows a person to drive a motorcycle or public transportation vehicle in a high occupancy vehicle lane at any time regardless of the number of passengers, without penalty.

~~records redaction; officials; officers~~ (NOW: special plates; initial dates; elimination) (S.B. 1223) – Chapter 251

SEE GOVERNMENT COMMITTEE.

~~animal fighting; prohibition~~ (NOW: aggravated DUI; probation; incarceration) (S.B. 1229) – Chapter 159

SEE PUBLIC SAFETY & HUMAN SERVICES COMMITTEE.

~~homeowners' associations; designated representative~~ (NOW: extreme DUI; sentence) (S.B. 1252) – Chapter 195

Removes the ability of judges to suspend any portion of a first or second offense extreme DUI sentence, thereby mandating that offenders serve the entire 30-day and 120-day jail terms, respectively. In addition, a judge may order an extreme DUI offender to not consume alcohol for a period of 30 days for a first time offender or 90 days for a second time offender as demonstrated through continuous alcohol monitoring or twice daily alcohol testing. In each case, at the judge's discretion, the court may extend the period of continuous alcohol monitoring.

salvage titles; insurance company applications (S.B. 1596) – Chapter 60

Removes the registration card and vehicle license plates from the list of items insurance companies are required to submit upon an application to the Arizona Department of Transportation Motor Vehicle Division for a salvage certificate of title or nonrepairable vehicle certificate of title.

foreign motor carriers (S.B. 1640) – Chapter 296

Establishes a number of restrictions and requirements for foreign motor carriers operating in Arizona to conform with federal requirements, including prohibiting foreign motor carriers from

TRANSPORTATION COMMITTEE (Cont'd.)

operating without a certificate of registration in the vehicle or refusing to show the certificate to a peace officer. Foreign carriers are prohibited from providing point to point transportation services for any goods other than international goods, unless the cargo is an export. Additionally, foreign carrier vehicles must be inspected by a certified inspector of commercial vehicles every three months and are required to display a safety inspection decal for at least three years after receiving permanent operating authority. Violations are subject to a maximum \$1,000 civil penalty. Allows any law enforcement agency to impound an offender's vehicle and cargo until all charges are cleared; impoundment charges are the responsibility of the offender.

Expands the jurisdiction of municipal and justice courts to include civil and misdemeanor criminal transportation violations, including violations relating to abandoned, seized and junk vehicles, motor carrier safety, fees such as gross weight and highway use fees, as well as aviation.

Establishes the ten-member Blue Ribbon Transportation Committee (Committee) that is charged with reviewing all received reports pertaining to Arizona's transportation framework and making recommendations on legislative issues to be addressed in the next legislative session. Repeals the Committee on October 1, 2008.

Allows the Arizona Department of Transportation (ADOT) to accept a plaque or monument from a veterans' organization to be placed on the Veterans Highway portion of Interstate 17, subject to ADOT's design approval.

~~national identification cards~~ (NOW: unfunded mandate; REAL ID Act) (S.M. 1003)

Urges the United States Congress to correct the unfunded mandate placed on the states through the REAL ID Act of 2005.

state aviation day (S.R. 1001)

Proclaims February 7, 2007, as Aviation Day in Arizona and honors the industry's workers for their contributions to this state.

~~technical correction; poison control~~ (NOW: defensive driving schools) (H.B. 2001) – Chapter 182

Effective December 31, 2008, upon the expiration of all contracts between the Arizona Supreme Court and defensive driving schools that are in existence on July 1, 2007, a person may attend any Supreme Court certified defensive driving school that complies with the court automation and reporting requirements. Considers the renewal of a contract after July 1, 2007, a new contract. The court may also adopt requirements for schools to electronically report completions and transfer funds, subject to approval of the Defensive Driving Board.

~~notary public; signatures of relatives~~ (NOW: teenage driver safety act) (H.B. 2033) – Chapter 206

Effective July 1, 2008, the graduated driver license program is altered by restricting nighttime driving, altering the instructional permit periods and placing limitations on drivers who are under 18 from carrying passengers. Applies these provisions only to permits and licenses issued beginning July 1, 2008.

TRANSPORTATION COMMITTEE (Cont'd.)

vehicle use; causing death; injury (H.B. 2052) – Chapter 39

Adds overtaking a school bus to the list of offenses for which a person may be charged with causing injury or death by a moving violation or by use of a vehicle.

~~traffic tickets; civil penalties; collection~~ (NOW: traffic tickets; collections; civil penalties) (H.B. 2226) – Chapter 185

Prohibits the court from initiating collection procedures, or requesting that the Arizona Department of Transportation Motor Vehicle Division (MVD) suspend a driver's license or refuse to renew a vehicle registration for an unpaid civil traffic penalty if all of the following apply: 1) the final disposition for the violation occurred more than 36 months before the court began collection procedures; 2) the court does not have a record indicating the person was notified that the penalty is unpaid and due within 36 months of the final disposition or indicating that the person has arranged for an extension or installment plan; and 3) the court has not requested suspension of a license or refusal of vehicle registration renewal.

Additionally, the court is prohibited from engaging in collection activities and must rescind orders for license suspension or refusal of vehicle registration renewal if a person presents evidence indicating the penalty has been paid. MVD must remove any ticket that the court is unable to collect on from the person's driving record.

~~vehicle license tax; hybrid vehicles~~ (NOW: commercial driver licenses) (H.B. 2228) – Chapter 214

SEE APPROPRIATIONS COMMITTEE.

~~driver license agreement~~ (NOW: ADOT; bid requirements; annual adjustment) (H.B. 2367) – Chapter 77

Beginning in FY 2008-2009, increases from \$50,000 to \$189,000, the expenditure threshold for Arizona Department of Transportation facility construction or reconstruction that must be called for by advertising in a generally circulating Arizona newspaper. Increases the expenditure threshold for inflation each fiscal year thereafter.

vehicle impoundment and immobilization (H.B. 2753) – Chapter 278

Requires a vehicle to be impounded if: 1) the driver's license is suspended or revoked for any reason; 2) the driver has never been issued a license in this state or another jurisdiction; 3) the driver is subject to an ignition interlock device (IID) order and is operating the vehicle without a functioning IID; or 4) a minor is driving a vehicle with any alcohol in the minor's body.

Conditions regarding the early release of an impounded vehicle are outlined, including proof of ownership and financial responsibility requirements for spouses, license reinstatement for drivers and the contract requirements between impounding agencies and spouses or vehicle owners. Prohibits justice courts from ordering the early release of a vehicle. If the impounded vehicle is a rental, the rental agency may seek the early release of the vehicle.

Requires a towing company, storage yard or other facility that has possession of an impounded vehicle to allow an IID manufacturer or installer access to an impounded vehicle to remove the IID and to allow lienholders to assess damage to a vehicle. In cases in which the IID

TRANSPORTATION COMMITTEE (Cont'd.)

manufacturer or installer or lienholder is denied access to a vehicle, the impounding agency must provide assistance to the requesting party to obtain access to the vehicle.

Outlines the allocation of administrative charges associated with an impounded vehicle for each impounding agency and allows for a single impoundment hearing with either the impounding agency or the justice court.

~~transportation; budget reconciliation~~ (NOW: budget reconciliation; transportation) (H.B. 2793) – Chapter 267

SEE APPROPRIATIONS COMMITTEE.

LEGISLATION VETOED

municipal and justice courts; jurisdiction (H.B. 2150) – VETOED

Expands the jurisdiction of municipal and justice courts to include most transportation-related misdemeanor criminal violations.

In the veto message, the Governor expresses concern that the legislation is overly broad, citing, as an example, the ability of municipal judges and justices of the peace to hear civil and misdemeanor criminal cases regarding whether the Arizona Department of Transportation or the State Transportation Board has complied with its statutory duties.

Memorials & Resolutions



MEMORIALS & RESOLUTIONS

The Honorable Jeff Groscost (S.C.R. 1029)

Expresses the Legislature's sincere regret at the sudden passing of Jeff Groscost. First elected to the Arizona House of Representatives in 1992, he was elected Speaker of the House in 1997. After leaving the House in 2001, he remained an active participant in civic, community and business endeavors. The Legislature extends its deepest sympathies to his surviving family members.

SBIInet (S.M. 1004)

Expresses the Arizona State Senate's desire that the United States Congress continue to fund and complete the Secure Border Initiative Network Program by the target date of December 31, 2008.

vision of space exploration (S.M. 1005)

Expresses the Arizona State Senate's desire that the United States Congress fully fund the federal fiscal year 2008 budget to enable the United States to remain a leader in the exploration and development of space.

recreational shooting (S.M. 1006)

Expresses the Arizona State Senate's desire that the United States Department of the Interior and the Director of the Bureau of Land Management work with concerned parties in order to preserve recreational shooting on Bureau of Land Management holdings.

cross-border trucking pilot program (S.M. 1007)

Expresses the Arizona State Senate's desire that the United States Department of Transportation suspend the Cross-Border Trucking Pilot Program until foreign trucking companies and their drivers can be held to the same safety and regulatory standards as are domestic transportation companies.

Buffalo Soldiers recognition (H.C.R. 2047)

Designates 2007 as "The Year of the Buffalo Soldier" and recognizes the contributions made by Buffalo Soldiers to the United States and to the State of Arizona.

Honorable Carmen Cajero (H.C.R. 2052)

Expresses the Legislature's regret at the passing of the Honorable Carmen Cajero and extends its deepest sympathies to her surviving family members. Mrs. Cajero was first appointed to complete her late husband's term in the Arizona House of Representatives in 1973 and served as her district's representative until her retirement in 1996.

MEMORIALS & RESOLUTIONS (Cont'd.)

state aviation day. (H.R. 2001)

Proclaims February 7, 2007, as Aviation Day in Arizona and expresses the Arizona House of Representatives' desire to honor the aviation industry's workers for their contributions to this state.

Virginia Tech; honoring those killed (H.R. 2002)

Extends the Arizona State House of Representatives' deepest sympathies to the families, classmates, colleagues and friends of the victims of the Virginia Tech tragedy of April 16, 2007.

death resolution; William Clifton France (H.R. 2003)

Extends the Arizona State House of Representative's regret at the passing of William Clifton France and extends its condolences to Mrs. Betty Jane France and his other surviving family members.



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A.R.S. Title Index

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W/O - Without Emergency

V/O - Veto Override

RFEIR – Requirements for Enactment; Initiative or Referendum

W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

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Keyword Index

KEYWORD INDEX

E - Emergency

W/O - Without Emergency

V/O - Veto Override

RFEIR – Requirements for Enactment; Initiative or Referendum

W/S - Without Signature

LIVS - Line Item Veto Signed

RFE - Requirements for Enactment

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